

# **HUMAN RIGHTS CITIES: MOTIVATIONS, MECHANISMS, IMPLICATIONS**

**A CASE STUDY OF EUROPEAN HRCs**

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# List of Abbreviations

BC

Budapest Chance

CAHR

Centre for Applied Human Rights - University of York

ECCR

European Roma Rights Center

ECHRC

European Charter for the Safeguarding of Human Rights in the City

ECSHRC

European Charter on the Safeguarding of Human Rights in the City

ERC

*Esquerra Republicana de Catalunya*

FEMI

The Equal Opportunities Office Budapest

FTP

Foreigners, terrorists, and pedophiles

HRA

Human Rights Act

HRC

Human Rights City

ICV

*Iniciativa per Catalunya Verds*

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NICE

Networking intelligent Cities for Energy Efficiency

PDHRE

People's Movement for Human Rights Education

SPIDH

*Secrétariat Permanent International Droits de l'Homme et Gouvernements Locaux*

Permanent International Secretary for Human Rights and Local Governments

TASZ

Hungarian Civil Liberties Union

UCLG

United Cities and Local Governments

UNESCO

United Nations Educational, Scientific and Cultural Organization

URBACT

Urban Development Network Programme

UYAI

University of York Amnesty International

YHRC

York Human Rights City

# Human Rights and the City: An Introduction

## **1. Introduction**

On June 30, 1997, the office of the mayor of Rosario, Argentina, was filled with delegates from local NGOs representing women, children, workers, people with a disability, indigenous groups, the academic and religious communities, and other local community activists. They had come together to declare their city a ‘human rights sensitive city’, by signing a joint proclamation of their commitment to build a ‘human rights community’ in Rosario, in which respect for human rights, equity and peace would be promoted among all inhabitants of the city (PDHRE, 1998: 17). With this proclamation, Rosario became the world’s first human rights city (Marks, Modrowski & Lichem, 2008: 10). Many other cities across the world followed Rosario’s example, and also declared themselves to be human rights cities. Sometimes this was a civil society-driven initiative, like in Rosario, but more often local authorities took the initiative to explicitly engage with the human rights framework in their city, for instance in Barcelona and Graz (Oomen & Baumgärtel, 2012).

This anecdote illustrates a recent development in the field of human rights implementation: the increasing direct engagement of local authorities with international human rights. In particular cities are more and more regarded as an apt social space for rights realization (Oomen & Baumgärtel, 2012: 19). In all corners of the world, cities have declared themselves a human rights city, Rosario being the world’s first (Marks, Modrowski & Lichem, 2008: 52).

The increasing attention of cities for human rights is an illustration of a wider process of localizing human rights, which means applying these universal principles in local settings. It is necessary for human rights to be localized, because the credibility and effectiveness of the human rights framework become clear at the local level, as the practical implementation as well as violations of human rights take place at this level (De Feyter 2011: 12, De Feyter & Parmentier 2011: 4). The following sections describe the localization of human

rights from different perspectives. First of all, we give a number of perspectives on the localization process: socio-scientific notions of localization, a legal viewpoint and insights from various social sciences. Subsequently, we discuss the concept of the human rights city, explicate our research questions and set out the methodology used to study the rise of human rights cities around Europe.

## **2. Localizing Human Rights: A Socio-Scientific Perspective**

The process of human rights localization is about making international human rights relevant for addressing local problems. It can induce the normative development of human rights from below, by inspiring the further interpretation and elaboration of human rights norms and action (De Feyter 2007: 68). The following paragraphs describe the main top-down and bottom-up mechanisms by which human rights localization takes place, and consequently the human rights spiral theory as one of the theories explaining how human rights can be internalized in domestic settings. Human rights will be considered as a discursive framework within which local governments and municipalities as well as NGOs and grassroots movements can address their objectives.

### *2.1 Top-down mechanisms*

A first way of human rights localization is through a top-down approach of applying human rights. Top-down mechanisms are understood as those initiated by governmental institutions or expert activists like NGOs using those institutions. The first step in localization is the recognition of national governments that human rights are relevant in domestic affairs. The Netherlands are an example of a country in which human rights were primarily considered to be an export product, with government policies emphasizing the realization of rights elsewhere (Oomen, 2014: 4). Nonetheless, domestication of human rights norms is one of the key forces characterizing the place of human rights in contemporary politics (Oomen, 2014: 2). Through governmental recognition, human rights are brought home to the national, and even the local level. Subsequently, as a state ratifies a human rights treaty, new provisions on the issues at stake will become part of the national legislation. This in turn, should influence policies of local governmental authorities. Decentralization of governmental power facilitates this process by giving local authorities control over

activities that are of major importance in everyday life (International Council on Human Rights Policy, 2005: 41). Even though legal implementation does not lead to immediate results on the local level, there is evidence that persistence pays off.<sup>1</sup>

A particular motivation for a top-down approach is one in which a municipality by-passes the position or policy of the national government which, for example, did not ratify or respect a certain human rights treaty. This localization method has validated itself in San Francisco as local activist experts took the initiative to get the city to adopt the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), whilst the United States of America as a state had not ratified this treaty (Davis, 2009: 267-273). Whilst CEDAW ordinance got adopted as municipal law support failed to occur in first instance, as grassroots organizations considered it just another instrument to control them. In the end, however, the value of the CEDAW principles was acknowledged and the San Francisco initiative stimulated similar efforts throughout the US.

## *2.2 Bottom-up mechanisms*

A second way in which the localization process can take place, is from the bottom up. Considering human rights as a discursive frame, localization can be seen as a translation process at the interface between the local and the global that may occur in two directions (Gómez Isa 2011: 58). First of all, international human rights can be made meaningful in different local contexts by adapting them to local circumstances and making them fit into existing normative structures and ways of thinking (Oré Aguilar 2011: 111; Merry 2006a: 210). Merry calls this mechanism “vernacularization”, the vernacular being the language of the local community (Levitt & Merry 2006:

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1 The Local Government and Human Rights research (Delamaza, 2008) reports on a study done on women’s political participation in local governance in four rural areas in China. The Chinese constitution encourages the nomination and training of women in order to stimulate their participation in local political institutions. NGOs were put to work in order to achieve women’s representation in villagers committees, but found many problems as education lacked – women were not aware that their political rights were violated before. Nonetheless, the comparative study shows improving situations now showing that persistence pays off.

443, Merry 2006b: 39).<sup>2</sup> A distinction should be made between the translation of human rights as a moral value system into the existing value system, and the integration of human rights as a legal framework into the local justice system (Goodale 2007: 2, Merry et al. 2010: 106). The second mechanism is the transnationalization of local claims, the reframing of local problems in terms of international human rights (Gómez Isa 2011: 59; Merry 2006b: 39). This reframing is a strategic political choice, as it offers local actors access to a wider network of information and communication, as well as increased leverage and resources (De Feyter 2011: 12, Gómez Isa 2011: 74, Merry 2006b: 42, Merry et al. 2010: 119, Risse & Sikkink 1999: 18).

Figure 1.1 Mechanisms of localizing human rights



### 2.3 The role of Non-governmental Organizations

Non-governmental organizations play a key role in these localization mechanisms, as they are connected to both transnational networks and the local community (Finnegan, Saltzman & White 2010: 308, Merry 2006b: 39). Local NGOs and grassroots movements

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2 An example of vernacularization is the development of women's courts (*nari adalats*) in India, which were meant to promote women's rights by dealing with cases of marital violence, harassment, divorce, etc. The *nari adalats* were embedded in the long-standing local judicial traditions, by adapting them to the structure of the *panchayat*, the juridical institution of a village to deal with conflicts within the local community (Merry 2006b: 46). By linking ideas of women empowerment and human rights to existing local structures, these transnational notions of human dignity acquire meaning at the local level.

frame local problems in transnational human rights language in order to get access to a wider network to address their cause. In addition, they are able to translate international norms into the vernacular, in order to make the human rights framework effective at the local level. In addition to the translator's role, they also serve as intermediaries between the local government and the citizens through lobbying and shaming rights violators, providing information about human rights violations at the local level, and representing and assisting victims (Merry et al. 2010: 102, Mihr & Schmitz 2007: 979, Ray & Purkayastha 2012: 43). Furthermore, they provide knowledge about human rights, which is essential to making human rights meaningful at the local level. Human rights education, for instance in the form of grassroots education campaigns, enables people to identify human rights violations within a local context and is a means to close the gap between international norms and local struggles (Finnegan, Saltsman & White 2010: 328, Mihr & Schmitz 2007: 981).

#### *2.4 The human rights spiral*

A classic theory describing these mechanisms of human rights localization is Risse and Sikkink's human rights spiral. This spiral is an elaboration of the boomerang theory, which explains how domestic opposition uses international networks to pressure their norm-violating government into a change of behavior, in this case the violation of human rights. International NGOs do not only play the role of translator between the global and the local level, but are also key actors in this norm-socialization process. Networks involving the global and the local can promote domestic change through raising awareness for local human rights violations, empowering the opposition in the norm-violating country and putting pressure on these governments from both above (international network) and below (domestic opposition). This process is aimed at the internalization and implementation of international norms. Through institutionalization these norms become habitual, and depersonalize the norm compliance (Risse & Sikkink, 1999).<sup>3</sup> As mentioned by Risse (1999) the internalization of international norms is necessary for states in order to be recognized

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3 With the depersonalization of norm compliance, a gap is created between the international norm and individual beliefs, through which the process of implementation can continue independently from personal ideas.

as part of the international community. Furthermore, international networks influence the violating state's behavior by coercion or persuasion (Goodman & Jinks, 2004).

The human rights spiral consists of five phases, in which domestic and global actors join forces in transnational networks to pressure nation-states into the full institutionalization of human rights, so that norm compliance becomes a matter of habit (Risse & Sikkink, 1999). This classic model perfectly describes the importance of the domestic level in pursuing human rights, but does not take the municipal level into account. The study of human rights cities can thus provide this particular theory with a new dimension.

All in all, human rights acquire meaning at the local level through the governmental institutions and NGOs that initiate the implementation of human rights in terms of legislation and as value system, and thereby improve the effectiveness and legitimacy of the human rights framework.

### **3. Localizing Human Rights: A Legal Perspective**

There are many different types of rights that local authorities have to take into account when deciding to take up the responsibility of realizing international human rights in their local settings. To start with, the so-called first-generation rights serve to protect the individual from an overbearing state, and are part of the national constitution in most Western countries. These rights are most often civil and political in nature and include rights such as freedom of speech, voting rights and freedom of religion. Second-generation rights gained prominence mainly after World War II as they were incorporated in the UDHR and are of an economic, social and cultural nature. These rights mainly focus on equality and include the right to housing, the right to education and the right to healthcare. In order to ensure the enforceability of many of these rights, countries have developed legally binding declarations and charters. Lastly, third-generation rights go beyond the particular social and civil nature of the previous generations of rights, but include rights such as right to a healthy environment, right to participation in culture, indigenous people's rights and right to self-determination (Henkin, 2009). Although some Western countries have developed legal mechanisms for the enforcement of some of these rights, there are generally less ways to enforce them than is the case with civil and political rights.



As a consequence, local authorities increasingly take up the responsibility to bear the duty of realizing a wide range of international human rights that are applicable to their local situations. However, the mechanisms as to how they can fulfill their obligation to uphold these human rights depend very much on the specific right called into question at the time, as well as the various legal aspects they face in order to realize the implementation of these rights. The most important legal elements to consider are the relationship between the local and national authorities, whether the right in question has direct effect or is a due process right and, of course, what international human rights treaties mention with regard to the role of the local government.

### *3.1 Constitutional Dispensation*

The first question to be dealt with in deducing how a local authority can see to the enforcement of international human rights, is whether the country has a monist or dualist constitutional dispensation. Monism and dualism are legal concepts that describe a state's relationship to the international legal order. Monist countries consider the domestic legal system and the international legal system to be part of the same legal order. The domestic legal system should always conform to the rules and requirements of international law, and international law automatically becomes part of the domestic legal order (Ginsburg, 2006). An example of a monist country is the Netherlands. When in 2011 an undocumented migrant mother and her daughter were evicted by the Amsterdam municipality, the Dutch administrative court deemed that Amsterdam had violated art. 8 of the ECHR and thus overturned the ruling (Oomen & Baumgärtel, in-press). Conversely, the dualist system considers the international legal order is separate from the domestic legal order, and international rules need explicit consent from the state to become applicable (Ginsburg, 2006). International laws need to be transposed in order to become effective within the legal system. An example of a dualist country is the United Kingdom, which created its own Human Rights Act to make the ECHR enforceable in the country.

### *3.2 The Role of Local Governments in Existing Human Rights Conventions*

Furthermore, one must look into what international human rights conventions say about the role of the local government when it comes to the enforcement of these rights. When generalizing what legal

aspects both national and local authorities should take into account, the most important factor is that they should respect, implement and enforce human rights as to make human rights “a common language for the local government and its citizens” (Accardo, Grimheden & Starl, 2012). Ever since the Second World War, states worldwide have taken up specific human rights in human rights treaties. The ECHR is the most important human rights treaty for the member states of the Council of Europe, but other international conventions such as the ICCPR, ICESCR, CEDAW and the CRPD also play a significant role. Here, the safeguarding of international human rights is increasingly encouraged through co-operation between the national, regional and local level. A prime example of this within the EU context can be found in the legal recommendations laid down by the Committee of Regions, which issued an opinion urging “a more strategic approach to implementing the Charter [of Fundamental Rights], which will require the involvement of all authorities, including at local and regional level” (Accardo, Grimheden & Starl, 2012).

### *3.3 Direct Effect vs. Due Process Provisions*

Another fundamental distinction is between provisions with direct effect, and due process provisions. The former create a direct legal entitlement for individual rights holders, who can raise them in court cases towards authorities. Examples of rights with direct effect are the rights in the ECHR, such as the right to freedom of speech and the right to freedom of association. Due process rights cannot be raised directly by individuals, but ask of authorities that they progressively realize the rights concerned. An example of a due process right is the right to housing. The distinction is blurred, however: increasingly due process rights, like the right to education, are considered to have a minimum core content that is directly enforceable - like the right to primary education for every child.

### *3.4 Legal Obligations at the Local Level*

Finally, in order to determine what the legal obligations for a city are, one needs to determine if the sources of human rights directly apply to local authorities. This works differently for international treaties, including the European Convention of Human Rights and EU law. International treaties often not explicitly mention the involvement of local governments, with the exception of a treaty like the Convention

on the Rights of the Child that speak of all authorities. On the other hand, by the fact that the State took on human rights obligations it also committed local authorities towards realizing them (Meyer, 2009). The direct application of EU law to all authorities within the member state was, in contrast, established in the *Fratelli Costanzo* case: “The ECJ held that all organs of the administration, including decentralized authorities, are obliged to apply provisions of directives that are directly effective.”<sup>4</sup> Local authorities fall under national law and are therefore obliged to act according to national law. However, in situations in which national law diverges from directives made in treaties under European law, local authorities are obliged to follow the European directives (Verhoeven, 2010). This provision is called the ‘Costanzo Obligation’, and states that “national administrative authorities are obliged to solve conflicts between provisions of national law and provisions of European law in favor of the provision of European law, when necessary by leaving the provision of national law unapplied” (Verhoeven, 2010).

When looking at human rights obligations of cities from a legal perspective, not only international human rights treaties and obligations need to be considered, but attention should also be paid to the distinction between rights of direct effect and rights of due process, and the national constitutional dispensation, which may limit the actions cities want to take in order to implement human rights at the municipal level.

#### **4. Critical Assessment of Human Rights from a Cultural-Political Perspective**

With their origin as international treaties negotiated in international relations, human rights can, however, not be considered to be a purely legal phenomenon. Their creation has been a political process and their impacts are wide-ranging. They have thus not only provided food for thought for legal scholars, but also for scholars from other academic fields. Therefore, if one seeks to investigate the concept of a ‘human rights city’, it is crucial to study the phenomenon from the perspective of different academic fields. In the following section the concept of human rights will be first discussed from the political

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4 Case No. C-103/88, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61988CJ0103:EN:PDF>.

angle and subsequently from a cultural/sociological perspective. After the theoretical underpinnings and the practical implications of the different perspectives have been assessed, some implications for the study of the ‘human rights city’ will be given.

#### *4.1 The Political Dimension of Human Rights and its Implications for the City*

Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, human rights have increased in popularity all over the world. Political theory, however, offers a more critical assessment of the meaning of human rights. Many scholars argue that political theory offers no basis for the conception of human rights (Mendus & Beetham, 1995; Reinbold, 2011; Stammers, 1993), as they hold certain aspects of one theory or another, but there is no comprehensive philosophy or political theory that allows for a full assessment (Henkin, 2009).<sup>5</sup> The contemporary form of human rights—most prominently represented by the International Bill of Rights (IBR) “does not ground or justify itself in natural law, in social contract, or in any other political theory” (Henkin, 2009: 42). The concept of human rights is the product of political practice and the IBR remains a crucial part of it (Arat, 2008; Mendus & Beetham, 1995; Reinbold, 2011). As the creation of the IBR has been a direct reaction to the crimes committed in World War II, formulated in the realm of the United Nations, human rights constitute a purely international concept (Lagon & Schulz, 2012) and as such, have to be seen as a distinct political ideology (Arat, 2008). Arat (2008) emphasizes that “even though it is often ignored or rejected, the IBR assigns the primary responsibility of the realization and protection of human rights to the

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5 For a detailed assessment see Henkin et al., 2009, Chapter 2; While some ideas contained in the IBR can be found in the documents resulting from the American and French Revolution, the conception of human rights as presented there was revolutionary (46). One could also attempt to relate human rights to liberalism, utilitarianism or other political theories, none of which however hold full explanatory potential (Mendus & Beetham, 1995; Henkin, 2009), which is due to the fact that “[t]he justification of human rights is rhetorical, not philosophical” (Henkin, 2009: 42).

states parties [...] [and] [i]n other words, it calls for a positive<sup>6</sup> state that is necessarily interventionist” (919). This claim for a strong state interferes with other common political ideologies, like the libertarian claim that “the best government is the one that governs least” (Arat, 2008). Seen from this perspective, cities adopting a human rights approach, adopt a political ideology of human rights and of a positive, interventionist state as well, which might affect the political position of political parties and power relations in the municipal council.<sup>7</sup>

Others see human rights as a political myth or a symbolically-charged narrative derived from the ideal of achieving a utopian world order and human rights as a means to this end, which helps “to orient select groups toward desirable beliefs and practices” (Reinbold, 2011: 149). The power of human rights, grounded in their inherent ideology, can be employed to challenge, but also to sustain existing power structures (Stammers, 1993).<sup>8</sup> The potential to challenge power structures can be used by citizens to change power relations present at all levels of government. The enhancement in the use of human rights as a tool to strengthen activism and improve the credibility of campaigns (Finnegan, Saltsman & White, 2010) is one example of the way in which human rights can be used as a challenging tool. On the other hand, especially when employed by local governments, human rights could also function as a tool to sustain or enhance the power held by the municipality. In this context, a municipality could use its position as a ‘human rights city’ to improve its international standing or its legitimacy towards the electorate.

Following the above, we need to conclude that a critical assessment of the politics behind the choice of becoming a ‘human rights city’ is crucial if one seeks to understand the intentions of municipali-

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6 Concerning the notion of positive and negative rights, it is important to keep in mind that the assessment refers to the entire IBR and not only one type of right provided for. Furthermore, in the context of the article Arat (2008) turns to the dichotomy of positive and negative rights “means protecting *only* what is already enjoyed” (932).

7 Consider for example the FPÖ in Graz and their opposition to migration, while migration is part of the local human rights approach.

8 He specifically mentions liberalism, Marxism and the struggle of colonized nation for self-determination. While all ideologies successfully challenged a specific aspect of present power relations, they also helped sustain other systems of power (e.g. the challenging of imperial power led to the sustaining the power of the post-colonial state).

ties for becoming a ‘human rights city’. Furthermore, acknowledging human rights as an ideology (Arat, 2008; Koenig, n.d.), is important because of the impact this might have on present political parties and local power relations. In the European context, it is especially crucial to consider the impact of the rise of extreme right-wing parties, such as the FPÖ<sup>9</sup>, as there is a negative correlation between right-wing political ideology and human rights support (Moghaddam & Vuksanovic, 1990)<sup>10</sup>. This suggests that the presence of right-wing parties might lead to less support for human rights. On the other hand, a human rights approach might be adopted help to challenge the existing right-wing parties. Furthermore, though human rights hold a potential to challenge practices that sustain human rights violations, it is important to consider whether the human rights city label is only used to enforce this power. Lastly, following Stammers’ (1993) assessment, it is crucial to connect the ‘human rights city’ approach to the social realities that surround it and the power relations present.

#### *4.2 Human Rights Cities and cultural diversity*

Next to political scientists, authors from other socio-scientific disciplines have also criticized the idea of human rights right from its inception. Criticism has been directed towards various aspects of the field of human rights, including the relationship between democracy and human rights (Langlois, 2003), or the legitimacy of human rights because of their historical, colonial and post-colonial implications (Mutua, 1995). Many critiques question the universality and application of human rights in a world of cultural diversity (Douzinas 2007; Mutua, 2007; Sen, 1999).

In today’s globalizing world, cultural diversity is closer to home than it has ever been. Technological advances and modernization through ease of transport and communication have led to tremendous diversification of regional and local areas. As a consequence, local governments (e.g. municipalities) face new dilemmas regarding the diverse population of their cities. The increasing attention for the implementation and safeguarding of human rights at the local level

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9 Freedom Party Austria; for more information (in German) refer to e.g. Kraske, 2008.

10 Moghaddam & Vuksanovic 1990, assessment of student opinions of human rights.

raises the question whether human rights provide a framework for unifying those populations.<sup>11</sup>

When looking at human rights from a classical cultural anthropological perspective, the degree to which values and norms are relative to the context and the individuals concerned should be taken into consideration. Individuals from different cultures may have different interpretations of values and standards, depending on their cultural background. The problems that different cultural interpretations of human rights may cause, can for instance be seen when looking at the Roma people and the difficulties they encounter in Eastern as well as Western Europe (Kyuchukov & Hancock, 2010). The Roma population in Europe has been the center of attention in many European cities when it comes to inclusion and integration – very often in initiatives targeting local governments (McFarlane, 2009). Questions concerning the extent of the applicability of human rights in general and most pressing on local levels (e.g. municipal) have arisen after French Roma expulsion which reached its peak in 2010 (Severance, 2010) although expulsion initiatives had begun in the early 2000 (European Commission, 2012). The Roma nomadic culture (Gligor, 2009; Huda, 2011) has provoked political officials not only to take measures to deport EU citizens from one EU country to another but to express little tolerance towards the Roma culture. According to Sarkozy, the camps were “of profoundly shocking living standards” (Huda, 2011).

These issues of intolerance against populations with a ‘deviant’ culture, considered from a human rights-based anti-discrimination perspective, are important in creating and understanding of the emerging human rights cities phenomenon. Scholars, in an attempt to trace the core of human rights dysfunction in certain cases, point towards the influential role of local and regional authorities in policy debates (Sobotka & Vermeersch, 2012). However, considering today’s cultural diversity at the municipal level, local authorities face the same issues of cultural relativism when implementing human rights. The Receptor Approach may have potential for culturally diverse cities when implementing human rights policies at the municipal level. Rather than simply implementing general human rights legislation,

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11 For example whether projects like Cities for Active Inclusion or Roma integration projects of the EU in Eastern Europe from 2007-2013 and other initiatives on international, national and local level.

this approach takes local cultural traditions and institutions as a point of departure (Zwart, 2012). For this approach to be effective, human rights have to be grounded in culture, local communities need to be heard, and cultural rights need to be protected, so that city's cultural diversity remains unharmed (Stamatopoulou, 2012).

## 5. The city as a field of study: Geographical Perspectives

Urban Geography is another important socio-scientific discipline to inform the study of human rights cities. Geographers look at the plethora of interconnections on the level of individuals, NGOs, local governments and other municipal actors are all relevant in localizing human rights. Taking this perspective as a point of departure, the field of geography offers a useful definition of the city: Mumford considers the city as a “a geographic plexus, an economic organization, an institutional process, a theater of social action” (Mumford, 1937). It is from this geographers' perspective that we will delve into different urban developments that play out in the city in relation to the interaction between the citizens and the government as well as among citizens themselves.

### 5.1 Gentrification

A first urban development with relevance to human rights is gentrification. This process refers to “not only to the transformation of residential neighborhoods but to a wide range of inner-city renewal and renaissance activities” (Levine, 2004). This regenerating activity is often followed by a change in the socio-economic status of the inhabitants through the influx of a higher level of capital (Clark, 2005), causing displacements interfering with the right to housing and the right to harmonious city development. The process of gentrification often involves the redevelopment of an inner-city area, after which it becomes more geared towards the rising middle class in the neighborhood. Meanwhile, the working class, still living in derelict parts of the inner-city, starts feeling less at home in the changing community and cannot afford the rising land prices.<sup>12</sup> These factors contribute to displacement taking full effect and forcing the working class out of

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<sup>12</sup> For a more detailed explanation of the process of gentrification see Blair Badcock, *Making Sense of Cities*, a geographical survey (London: Hodder Arnold Publishing, 2002: 262).



their neighborhood. On the other hand, research done by Hamnett (2003) suggests that it is a case of replacement rather than displacement, emphasizing the positive effect of gentrification on inner-city development. It is within these neighborhood transformations that human rights can become relevant. Examples of problematic urban developments have occurred in Olympic cities such as London and Beijing who were criticized for the way in which they handled the process of gentrification caused by the renewal activities in the city. The right to housing, right to the environment and the right to harmonious city development<sup>13</sup> were all invoked by critics evaluating the redevelopment of the area for the Olympics.

### *5.2 Social Exclusion*

Another theme in urban studies with a human rights component is the notion of social exclusion, a term used for understanding and measuring poverty and disadvantages that people may encounter in a given area. When someone is experiencing multiple, overlapping problems, for instance unemployment, poor health and inadequate education, it is said that they are socially excluded from society, and not able to fully participate in society (Cage, 2011). NGOs tackle this problem by improving access to government services and applying broader social policies in areas with high social exclusion rates. An example of this is the Social Exclusion Monitor project in Melbourne, Australia, which aims to monitor and put an end to any social exclusion issue that people may face. (St. Laurence, 2012).

### *5.3 Participatory Urban Development*

Furthermore, the notion of Participatory Urban Development is of relevance to the study of human rights cities. This concept mainly focuses on enhancing the living conditions for the people of a given area by involving them directly in local governance and local community activities. The backbone of this concept is the idea of giving the poor a say in initiatives designed for their benefit. Participatory Urban Development has proven to be a successful strategy for the development of urban areas due to its efficiency in addressing local needs and its relevance to the local population. An example of suc-

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13 As mentioned in the European Charter for the Safeguarding of Human Rights in the City.

cessful Participatory Urban Development would be Port Harcourt, Nigeria, where it was applied in an underdeveloped neighborhood that was facing threats of demolition (Blum, 2011).

## **6. Economic Perspectives and City Branding**

Cities are not only the place where people live, they are also seen as engines of economic growth. Economic perspectives can thus also be relevant in explaining why and how a city adopts a human rights approach, and why some human rights cities are more successful than others. City marketing is used by cities in order to make themselves more attractive for (future) inhabitants, entrepreneurs and events (Kotler, Haider & Rain, 1993). Marketing of cities has, over the years, slowly shifted towards a city branding approach: city branding goes further than city marketing in the sense that it tries to make the city as a product ready for consumption and that the city tries to differentiate itself from its competitors (Karavatzis & Ashworth, 2005; Ward, 1998). In the city marketing process, cities assess their strengths, weaknesses and current image at first, and try to downplay their weaknesses whilst stressing their strengths in order to improve the city's image in later phases (Zerweck, 1996). Against this background, cities paying attention to human rights and branding themselves as a 'human rights city' cities differentiate themselves from others. They are also expected to underline those human rights that have an important role in the city's history, and to focus on human rights issues that can readily improved in a short period of time. In addition, an emphasis on human rights as an element of city marketing is likely to be destined towards an external audience more than towards the local populace. Nantes, for instance, as the self-styled 'world capital of human rights and the annual host of the World Forum on Human Rights (International Permanent Secretariat Human Rights and Local Governments (SPIDH), 2013) could possibly be an example of such an emphasis.

## **7. The Concept of the Human Rights City**

After having given socio-scientific and legal perspectives the localization of human rights and discussed the phenomenon from the perspective of political science, cultural diversity, geography and economics, this section will discuss the rise of human rights cities,

and attempt to give a clear and concise definition of the concept of the human rights city.

The rise of human rights cities has to be understood against the background of the development of international law. Even though international law was initially created for state-to-state interaction, this notion has shifted over the years. With the expansion of the rights catalogue and the emphasis on domestication of human rights, and human rights education in the Vienna Declaration<sup>14</sup> (PDHRE, 2007: 1), local actors have increasingly been prompted to take – and taken – implementation of human rights into their own hands, in order to safeguard their inhabitants' rights. This seems to follow a famous quotation of Eleanor Roosevelt, who said that human rights should begin close to home; else they do not have meaning anywhere.<sup>15</sup> One other reason for the implementation of human rights on the local level is the fact that different regions within a country encounter different human rights issues. Moreover, safeguarding human rights on a local level can increase the level of overall protection of human rights worldwide. Implementing international human rights law locally can therefore be considered a way to effectively reach the local population.

Cities are the appropriate spaces for the local implementation of human rights, as they are in many cases form legal local authorities, or are an important part of them, which grants them a variety of legal powers in their territories. Moreover, urban social policies already deal with human rights in a variety of ways. Examples are the spatial planning of a children's park, policies on how public places can be made accessible for disabled people, and social housing plans. These

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14 The Vienna declaration laid an emphasis on human rights education and the implementation thereof. This convention led to a shift in thinking: from implementing human rights only on an (inter)national level to a local level. Vienna Declaration and Program of Action, as adopted by the World Conference on Human Rights on 25 June 1993, A/CONF.157/23, 12 July 1993

15 "Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world." (Eleanor Roosevelt, 1958, as quoted in UDHR, 1998).

policies are mostly linked to socio-economic rights, and thus they can easily be made within a framework of human rights. In addition, in most parts of the world governance is increasingly decentralized, which creates opportunities and mandates for cities to implement more extensive policies pertaining to human rights issues (Oomen & Baumgärtel, 2012: 4). Furthermore, cities have an ever-increasing population growth, and urbanization is likely to continue, so that cities are expected to take over many of the functions that the nation-state fulfills for its citizens (Oomen & Baumgärtel, 2012: 4).

There is no consensus on a clear definition of a human rights city available in literature. Some organizations have attempted to define human rights cities in a concise manner. For instance, the PDHRE<sup>16</sup> emphasizes the role of the people, and has described a human rights city as follows:

A human rights city is a city or a community where people of good will, in government, in organizations and in institutions, try and let a human rights framework guide the development of the life of the community. Equality and non-discrimination are basic values. Efforts are made to promote a holistic vision of human rights to overcome fear and impoverishment, a society that provides human security, access to food, clean water, housing, education, healthcare and work at livable wages, sharing these resources with all citizens-- not as a gift, but as a realization of human rights (PDHRE, 2007: 3).

It then continues by stating that “a human rights city is a practical viable model that demonstrates that learning about human rights and applying this insight can improve society -- a viable structure that can offer various experiences that can revitalize development programs around the world” (PDHRE, 2007: 3). However, this seemingly complete and detailed definition appears to be rather utopic in nature. An illustration of this is the fact that human rights cities generally tend to focus on one or two specific areas instead of the holistic set of human rights. For instance, Barcelona and New York City both focus most on racial and gender discrimination, establishing offices and

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<sup>16</sup> The people’s movement for human rights learning is an international and non-profit organization which attempts to promote and raises awareness about human rights focusing on people’s daily lives.

complaint mechanisms for their respective populations (Grigolo, 2010: 897). The Korean city of Gwangju wants to take a broader approach by focusing on the “stability and happiness of life” and tolerance for the disadvantaged (World Human Rights Cities Forum, 2013). Cities tend to focus on different aspects of human rights, and cannot always make sufficient efforts to implement a holistic vision of human rights.

In the definition to be used in this book, human rights cities come into existence when the local authorities of a city officially state that they will implement the Universal Declaration of Human Rights and/or other treaties in their local communities. This entails that cities promise to adhere to specific human rights as codified in the international human rights treaties, creating platforms to engage all citizens into their human rights system. The initiative to take a human rights approach may lie with civil society as well as with the local authorities, so from the municipal council or the executive. Cities decide differently on the issues they want to tackle, but they commonly tend to focus on non-discrimination, equality and/or inclusion (PDHRE, 2007: 3). They try to learn from each other and share their experiences by joining city networks, such as the Gwangju Human Rights Cities Network (World Human Rights Cities Forum, 2013), and have meetings to decide upon a general course that should be taken with human rights cities. The city networks have come up with varying general programs of action, but to date there is no general guideline that a city can follow to become a human rights city.

Thus, the working definition of a human rights city for this research will be as follows: “A human rights city is a city which has declared it will implement the rights as written up in the Universal Declaration of Human Rights and/or other treaties into its local community, with a special focus on non-discrimination, equality and/or inclusion. Furthermore, human rights cities will focus on different aspects of human rights law according to their own priorities or traditions.”

## **8. Research Questions**

This book aims to theorize the relatively new phenomenon of the human rights city by looking at seven cities across Europe that are engaged with the international human rights framework. This exploratory study is shaped around the central research question: *Why and how do cities become human rights cities, and what are the implications?*

It is important to gain a better understanding of the meaning of the emerging phenomenon of the human rights city, because it could be of great significance for the localization of human rights and stimulate the implementation and safeguarding of human rights by local authorities, but could also undermine human rights realization by remaining an empty marketing slogan. In order to map out the human rights city phenomenon in a comprehensive and coherent way, five sub questions were focused on, which add up to the central research question. These are:

1. What are the motivations of cities to take a human rights approach?
2. Which actors are involved in the city's engagement with human rights?
3. What mechanisms and instruments does the city use to engage with human rights?
4. What are barriers and pitfalls of taking a human rights approach in the city?
5. What is the added value of taking a human rights approach in the city?

These questions are addressed in each case study, allowing for a comparison and typification of the analyzed cities. Finally, the insights from the different case studies are combined into a generalized comprehensive theory about the human rights city phenomenon.

## 9. Methodology

For this research project, seven cities across Europe were studied, namely Barcelona, Graz, Salzburg, Nantes, Budapest, Gothenburg and York. Each city was visited by a research team of two to four students during a period of four days in March and April 2013. The cities were selected on the basis of several criteria. These included the question whether a city focuses on a particular urban issue or set of rights (e.g. Barcelona), or took a broader, more comprehensive approach (e.g. Gothenburg). In addition, cities with a top-down (e.g. Graz) as well as with a bottom-up approach (e.g. Salzburg) were

chosen. Moreover, both older human rights cities (e.g. Barcelona) and cities that are still in the process of becoming a human rights city (e.g. York) were selected. Lastly, cities were selected on the basis of their location across Europe, and the Central-European city of Budapest was included.

Semi-structured interviews of 30 to 100 minutes were conducted with relevant actors in the city, including policy-makers from the city council, professionals such as the police, representatives of local civil society, and academics. The amount of interviews that could be conducted was relatively limited due to time constraints. Besides the face-to-face interviews, several additional interviews were conducted on Skype. Most interviewees were found via the snowball method. The different views of the different actors allowed for a triangulation of perspectives, ultimately leading to a better and more coherent understanding of the phenomenon of the human rights city.

In addition to the qualitative data obtained from interviews, a wide range of grey literature was analyzed, including project documents, city council budgets, and reports on the socio-economic situation in the cities. All obtained data was coded and subsequently used to create a common theory about human rights cities, inspired by the grounded theory method (Charmaz, 2006).

## **10. Lay-out of the chapters**

As we are accustomed to, cities all over the world are different in how they are set up and run, including those cities that have been deemed human rights cities. As will become apparent whilst reading the chapters, every city has tackled their human rights initiative differently, to both positive and slightly more negative effects. Where some of the newer human rights cities seem to be highly successful in implementing their human rights policies, other more experienced human rights cities seem to be succumbing to other motivational factors. Every chapter looks at the various motivations that have steered cities to take a look at human rights within their city, and the various instruments and measures that they have taken to accomplish this. Whereas some cities such as Graz have very stringently adapted the PDHRE fashion of creating a human rights city, other cities such as Barcelona and currently also Nantes have devised their own human rights cities networks in which their city creation has taken different routes, and this is reflected in the build-up of the chapters, as well as the end results of the city initiatives.

The case study of Barcelona proves that becoming a human rights city is not a single step; instead, it is an effort that needs to be driven continuously or otherwise the efforts may start to diminish. Whereas the municipality of Barcelona see positive changes in society since the beginning of their human rights initiative, other actors such as NGOs and the public are critical as it is actually unclear how the impact of human rights can and have been measured in the city. However, the majority of citizens in Barcelona are aware of their human rights and their city's efforts, and thus it can be said that, despite declining political motivation, human rights have been grounded in the city, and can be seen as a success.

Austria is lucky enough to already have two major human rights city in its county. The city of Graz took both a top-down as well as a bottom-up approach, both the municipality and the citizens relying on each other to implement the human rights efforts in the city. This balancing of efforts proved to be extremely effective as it is due to the willingness of both parties to safeguard human rights in their city that the initiative has taken firm ground in the city for several decades now. On the other hand, the city of Salzburg became a human rights city as the overwhelming human rights issues steered the city into a logical evolution of gradually becoming a human rights city through the already established human rights NGOs. This natural convergence into a human rights city is the reason as to why Salzburg faces few problems in forging cooperation between the civil society and the municipality, and thus functions as a good example how becoming a human rights city does not have to be a difficult project.

The case study of Nantes exemplifies how the marketing benefits that come with promoting oneself as a human rights city can start to outweigh the upholding of human rights in the city. Where the municipality started with strong motivations to make up for a turbulent history of human rights violations, the original enthusiasm has disappeared. However, despite negative predictions by relevant actors in the city, policies are still being drafted regarding human rights-like projects within the city and thus the question remains whether the city marketing benefits are truly damaging as long as the human rights projects are still implemented. In this case, only time will tell.

In the case of the city of Budapest, many mechanisms can be identified that one links to vital components of a human rights city. However, it is called into question as to whether a city that does not assign itself a human rights city label is, in fact, a human rights city. Thus, the question remains how important the label is when it comes



to being a human rights city, and whether this is actually beneficial as, in the case of Budapest, they seem to be doing fine without it.

The city of Gothenburg, Sweden, has taken many steps towards building and refining their human rights city initiative, mainly through their framing of urban problems and tackling them head-on. However, a gap between the municipality and civil society is an obstacle yet to be overcome. Their human rights framework functions well within their policies; however, practical implementation is not always reflected within civil society. Nevertheless, this young human rights city is on the way to creating a stable harbor for human rights.

The case study of York shows the true added value of human rights cities. They show that a human rights city can serve as an umbrella for the organizations that all strive to promote human rights, under which they can make use of each other's networks, financial resources, human resources, and knowledge. The city of York has presented a development of a different type of rights consciousness in the local community by starting a different conversation on human rights to counter negative attitudes at the national level.



# Barcelona: Fervent Vanguard or Reluctant Forerunner?

## 1. Introduction

Barcelona was at the forefront of HRCs in 1998, when it participated in the creation, development, and promotion of the European Charter for the Safeguarding of Human Rights in the City, signed in 2000 in Saint-Denis. This Catalan city was one of the first to actually label itself as a HRC and has taken up a leading role in international politics when it comes to promoting the Charter ever since. Even though the HRC concept is relatively new, Barcelona now has over fifteen years of experience in implementing these rights on a local level. Because of this, it is exceedingly important to examine this pioneering city in order to find out how localized human rights have impacted the city, its policies, and its citizens. The lessons that can be learned from Barcelona could prove to be of value for other cities that wish to implement, or to improve on the human rights framework within their own metropolitan areas.

Most of the data on which this case study is based, was collected through semi-structured interviews with five relevant actors involved in Human Rights within Barcelona. Face-to-face interviews were conducted with Jaume Saura Estapà, President of the Human Rights Institute of Catalonia, Guadalupe Pulido, Head of the Non-Discrimination Office Professor, Xavier Cubells, director of the Civil Rights Program of Barcelona, Rosa Bada, Press and Communication's Officer at the Presidential Cabinet of the Superior Tribunal of Justice of Catalonia, and Eva Chueca, Coordinator of the Committee on Social Inclusion, Participatory Democracy and Human Rights, United Cities and Local Governments (UCLG). Moreover, preparatory literature research has been conducted with regards to the Human Rights implementation within Barcelona.

### *1.2 National Context: Human Rights in Spain*

The Spanish Constitution has been passed and ratified in 1978 and contains the basic democratic values subject to the rule of law on which Spain's parliamentary monarchy is based. As a result, human rights are an inherited part of this Constitution. Article 10 (2) refers to these rights more explicitly by stating that: "The principles relating to the fundamental rights and liberties recognized by the Constitution shall be interpreted in conformity with the Universal Declaration of Human Rights and the international treaties and agreements thereon ratified by Spain" (Spanish Government, 1978). Chapter two further outlines the citizen's human rights such as equality before law, religious freedom, freedom of expression, and the right to education.

With regards to international matters, Spain has a monist system, meaning that international treaties will be implemented almost directly into the national legal system. Article 96 (1) states: "Validly concluded international treaties, once officially published in Spain, shall form part of the internal legal order. Their provisions may only be repealed, amended or suspended in the manner provided in the treaties themselves or in accordance with the general rules of international law" (Spanish Government, 1978). The Convention on the Rights of Persons with Disabilities can be mentioned, which Spain signed and ratified in 2007. After ratification, this convention immediately became part of Spain's national law (United Nations Treaty Collection, 2006).

Due to the economic crisis and the accompanying austerity measures, the Spanish government has had to deal with an increase in human rights issues. The budget cuts often involved sensitive issues such as cuts in health service for undocumented migrants. Since the crisis the ECHR has convicted Spain of violating human rights (Human Rights Watch, 2013).

### *1.3 Catalanian Context*

In order to fully comprehend the position of human rights in Barcelona, it is important to first understand the special position that both Catalonia and Barcelona have within the Spanish system. Catalonia (*Catalunya*), situated in the North-East of Spain, is one out of 17 so-called autonomous communities of Spain and has the official status of a nationality, as Spain exists out of nationalities and regions to which the constitution recognizes and guarantees the

right to self-government (Spanish Constitution, 1979). Its right to be autonomous dates to the Statute of Autonomy of Catalonia of 1979, which states: “Catalonia, as a nationality, exercises its self-government constituted as an Autonomous Community in accordance with the Constitution and with the Statute of Autonomy of Catalonia, which is its basic institutional law, always under the law in Spain” (Generalitat de Catalunya, 1979). Its autonomous status means in practice that Catalonia may sort out “any matter that is not vested in the Constitution” for itself, including such matters as culture, health care and economic development (Painter, 2008).

Barcelona is one of the four provinces of this community and the capital of both this province and of Catalonia is also called Barcelona. It is the second largest city in Spain after Madrid. Approximately 1.6 million inhabitants live within its administrative city limits and approximately 5 million people live within the Barcelona metropolitan area, making it the sixth most populated urban zone of Europe (Eurostat, 2009; Demographia World Urban Areas, 2012). The whole of Catalonia counts about 7.5 million people (Generalitat de Catalunya, 2012).

Catalonia is one of the richest regions in Spain, with a GDP that compromises about 19% of the entirety of Spain. (OECD, 2010) and it contributes a relatively large amount of tax to the Spanish treasury. Some regions, for instance in France, which are similar in size and economic activity to Catalonia are net receivers of state and European funds, whilst Catalonia is a net taxpayer in the Spanish state and in the EU (Pons i Novell & Tremosa i Balcells, 2005). The political system of Catalonia exists out of the *Generalitat de Catalunya*, followed by the Parliament, the Presidency of the *Generalitat*, the Executive Council and the other institutions created by the Parliament.

#### *1.4 Local Context: Barcelona from an Administrative and Historical Perspective*

Barcelona’s governing authority is the city council (*Ajuntament*), which exists out of a legislative body, the *Consell Municipal*, and an executive body, the *Comissió de Govern*. This executive council exists out of several city departments (*Regidories*), which are led by heads of departments (*Regidor(es)*) appointed by the mayor (UCLG, 2011). This mayor is the chair of both the executive and legislative bodies, which were elected democratically for the first time in 1978, after Franco left office. Since then, a left-wing coalition has led the city, consisting mainly out of the Socialists in Alliance together with several left-wing

parties such as the Initiative for Catalonia-Greens; (ICV: *Iniciativa per Catalunya Verds*), and nationalist parties such as the Republican Left of Catalonia (ERC: *Esquerra Republicana de Catalunya*) (UCLG, 2011).

The decentralization that marks Spain's government can also be seen on a local level, as Barcelona has strong and politically active urban movements. Barcelona was divided into ten districts (*districtes*) in 1984 and specific competences have been delegated to neighbourhoods (*barris*) within those districts. Each local level of government has the ability to focus on several issues and involve local inhabitants (UCLG, 2011).

What makes Barcelona special is that it is one of two cities, the other being Madrid, that have a special municipal status within the Spanish governmental system. In the Municipal Charter, which was approved in 2000 and renewed in 2006, the general status of Barcelona is defined, which gives the city special powers when it comes to public safety, traffic management, and telecommunication (Municipal Charter, 2006). One can thus conclude that Barcelona has a great deal of autonomy from the Spanish national government.

### 1.5 Social Context

Barcelona boasts a long history of participatory government, to the extent where “the idea of citizen agreement, of government for and with our citizens, has become the backbone of [the] local community” (Nicolau, 2007). It is impossible for Barcelona's policymakers to sidestep the citizens it caters to, as their support is needed to create citizenship and good governance. Citizen participation, as put by Nicolau, the Participation Commissioner at the Barcelona City Council, at a conference in Nanterre in 2007, can be “a tool for creating civic and citizen awareness ... and for opening the way to the integration of certain indigenous communities” (Nicolau, 2007). The host of the conference, the International Observatory for Participatory Democracy, has as its aim to “provide local government's innovative knowledge in the specific area of citizens' participation” (IOPD, 2013). Headquartered in Barcelona, the IOPD collaborates closely with the United Cities and Local Governments, an organization also based in Barcelona, which will be expanded upon later in the chapter.

Despite these positive notes on Barcelona's participatory democracy, it should also be noted that this concept became slightly disregarded and of lesser importance over the last years, due to an increased focus on economic growth via tourism (Grigolo, 2011).

Because of the waves of tourist that visit the city on a daily basis, the urban space has been reorganized to create more touristic facilities at the expense of vulnerable groups such as migrants. This has led to less social inclusion. Consequently, participation has now become mere consultation (Grigolo, 2011). However, this increase in marginalization has also been a result of the city's changing population. Especially in the 1990s, Barcelona experienced a large influx of migrants, who are now mainly concentrated in the city centre, bringing a wide variety of nationalities, ethnicities, and religions into the city. In the period of 1996-2009, the number of migrants increased from 30,000 to approximately 295,000 (Grigolo, 2011).

### *1.6 The HRC Process*

Opinions about the motivations and implications of Barcelona as a HRC differ significantly. This division can clearly be seen between the municipality and civil society representatives, the latter being more critical about the project than the former. The following sections outline these differing points of view. The goals of Barcelona as a HRC differ significantly depending on the addressed institution. It is abundantly clear that the municipality's main aim is to work toward equality, especially for groups that may have issues finding employment, or equal opportunities in the city.

The addressed groups include migrants, minorities (Roma Community), and LGBT groups. Furthermore, with having various human rights institutions in the city, the municipal department of human rights has been merged with the department of gender politics to form a small department to work toward the safeguarding of gender equality in Barcelona. As a HRC, the municipality tries to work toward the safeguarding of all of their citizens regardless of their background, beliefs, or way of living (Etapà, 2013). They aim toward not disregarding any particular human right. The official statement of the municipality is that it "wants to be an example of defence of human rights and peoples" (UCLG, 2011). The overarching goal of Barcelona is in accordance with the aforementioned statement, as "the overall objective of the City's human rights policy is the creation of a city of rights where human rights meet local needs and competences and they are accordingly implemented" (UCLG, 2011).

## 2. Policies, Motivations, and Driving Forces of Barcelona as a HRC

### 2.1 Human Rights Policies

The aim of the HRC project in Barcelona is to create a city of rights (Grigolo, 2011) in which international human rights become apparent at a local level. As a result, the purpose is to develop the principles and values of the Universal Declaration of Human Rights in the city, from the perspective and the reality of everyday life and from the specific jurisdiction of a city council, as investing in human rights is to invest in the city (Grigolo, 2011). Early detection of human rights issues and working with the citizens is key, so that no one will be put in a victimized position (Cubells, 2013).

This general aim has been implemented in three ways. First, several human rights services were created by the *Regidoria de Drets Civils*, or civil rights department. These services included the *Oficina per la No Discriminació* and the *Oficina d'Àfers Religiosos* (OAR). Via these services, the municipality aimed to create a platform where citizens could come with their human rights complaints. Second, the human rights framework of Barcelona was established, which focused on the city's involvement in human rights charters. In 1998, this resulted in Barcelona's commitment by which the city officially labeled itself a HRC. In 2000, the city signed the ECHRC and, three years later, further implemented this charter on a local level by creating the Network of Towns and Cities for Human Rights. This network consists of 140 cities and villages in the province of Barcelona all committed to bringing human rights to a local level (The Observatory on Human Rights in the City of Barcelona, 2008).

The third phase of the implementation of the HRC project involved the elaboration of Barcelona's regulations with regards to LGBT rights in 2004. A special LGBT council was set up to address LGBT issues in society, as well as in other municipal departments. Lastly, the Human Rights Observatory was created in 2008, existing out of several local NGOs and civil society organizations that together publish reports on the status of human rights in Barcelona (Grigolo, 2011).



## 2.2 *Driving Forces*

Concerning the driving forces, Ms. Chueca concurs with Ms. Bada that Pasqual Maragall i Mirá, a former mayor of Barcelona (1982-1997), took the lead in starting the movement of adopting the human rights framework. Maragall, acting on behalf of the Catalan Socialist Party (PSC), was supported by a favorable political climate. Whilst being mayor of Barcelona and adopting a human rights framework, Maragall also served as the president of the Council of Municipalities and Regions of Europe (from 1991-1997), which may have strengthened the international outlook of Barcelona at the time. From 1996 to 1998, Maragall also served as the president of the Committee of the Regions and as Vice-President of the International Union of Local Authorities (Maragall, 2007).

Barcelona hosted the first Conference of Cities for Human Rights in 1998. After cities had signed the Barcelona Engagement, a document laying out the importance of human rights in the city, the European Charter for the Safeguarding for the Human Rights in the City was drafted and finally implemented in a second Conference in Saint-Denis in 2000 (Institut de Drets Humans de Catalunya, 2013). By the time the 1998 conference was hosted, Maragall had been succeeded by Joan Clos i Matheu, who, in contrast to Maragall, did not hold any international offices besides his office as mayor of Barcelona. Whilst the two mayors belonged to the same party, Clos was not as engaged with international cooperation as his predecessor during his leadership. Barcelona waited for other bigger cities to come and relieve the city of its international role as the leading HRC, but the involvement of these other cities never took place.

In the 2003 municipal elections, *Convergència i Unió* (CiU), a liberal, more centrist/rightist party than the leftist PSC, gained prominence as the PSC lost its majority in the municipal elections, signalling an upcoming decline of the human rights framework that was to follow in the coming years (*Consulta de Resultados Electorales*, 2013). In 2006, Clos was succeeded by Jordi Hereu i Boher, also from the PSC, who formed a minority government with the ICV (the Catalan Greens) after the 2007 elections. In the general Catalan elections of 2006, however, the PSC did not win in the province of Catalonia for the first time in a long while, instead coming in second after the CiU (*El Mundo*, 2006). This shift in power ensured the declining importance of the human rights framework in Barcelona,

championed by the socialists, and the ever-increasing right-wing/centrist liberal influence of the CiU.

Whilst political parties are important, as the implementation of policies happens in the political sphere and political parties decide which policies are important to them and which are not, certain individuals belonging to these parties can really make their mark on city policies without being too dependent on the approval of their party. As can be seen in the overview of the motivations, however, the adoption and implementation of human rights policies in Barcelona was a highly politicized process in multiple ways. Without Maragall and the right political climate for these policies in Barcelona at the time, HRCs as they can now be observed may have turned out very differently.

### *2.3 Motivations*

Barcelona decided to become a HRC after the events of the Yugoslav and Bosnian Wars in the 1990s and the Barcelona Olympic Games of 1992, which brought the city to an international stage, after which it wanted to continue this international outlook. Barcelona has a very special link with Sarajevo. Both Pasquall Maragall (mayor from 1982-1997) and Joan Clos (1997-2006) had personal interests with regards to human rights, which was important for the human rights decision. They supported the human rights movement in Barcelona, backed up by what was a fortunate, progressive political climate in Barcelona and the province. During the final years of the 1990s, the municipality was led by the leftist coalition of the socialist party, the Catalan Greens and the nationalist Republican Left of Catalonia, while after 1999, the socialists also became the first party in the province of Barcelona, overtaking *Convergència i Unió* (Election Resources, 1999). In 2003, Maragall became President of the *Generalitat de Catalunya*, leading a coalition of the Socialists with again the Greens and the *Esquerra Republicana*.

Barcelona wanted to put itself on the map and having a vocation of international life and human rights were a way of showing the international arena that it continued to exist. The municipality also happened to have some funds available for projects such as promoting human rights. In short, there was a combination of the right ambience, possibilities, and leadership.

According to the current municipal council, the non-discrimination office and the human rights institute of Catalonia, however, there

is no clear single motive for Barcelona to have become a HRC. They argue movement arose from the already-existing social and political climate, as can be seen in Barcelona's history of left-wing political parties and social movements, which traditionally had social rights as part of their main focus. Human rights already gradually had become embedded in Barcelona's society even before the HRC project, which in turn was stimulated by the high level of immigration in the early 1990s and the dictatorial history of Spain until 1975. In response to the first stimulation, the city wanted to address the safeguarding of racial, ethnic and religious diversity of the city's new inhabitants. With regards to the latter stimulation, Spain had the hunger and need to rebuild after a dictatorship that lasted thirty-six years.

Barcelona labeling itself a HRC has been seen as a step in confirming the already-existing focus on human rights and politicizing the idea of HRCs. After signing the European Charter for the Safeguarding of Human Rights in the City, the municipality signed its own separate charter: 'Derechos y Deberes de la Ciudadanía' (Rights and Duties of the Citizens). This charter specifically applies to the citizens of Barcelona and is based on several national and international charters including the Spanish Constitution, the Universal Declaration, and several others (Ajuntament de Barcelona, 2010). It mainly focuses on socio-cultural and environmental rights. Moreover, there is special attention given to equality rights with particular attention given to non-discrimination of sexuality and gender equality. (Ajuntament de Barcelona, 2010)

As can be distinguished above, these motivations are significantly different and therefore it is impossible to put forward one single motive for Barcelona becoming a HRC. As a result, there also is no consensus on whether the human rights movement in Barcelona is a top-down, or bottom-up approach. However, it is possible to conclude that the human rights project in this city is a combination of many different factors arising from the historical, political, and social background.

### 3. Mechanisms and Strategies for Implementing Human Rights

#### 3.1 *Involved Actors*

The HRC project in Barcelona is broadly based in society, as a number of actors are involved with the *Regidoria de Drets Civils*, or civil rights department, as the spindle in the web. The department's main focus areas are migrants, education, labor, the healthcare system, and gender equality. Through diffusion, attention, defense, and prevention, the municipality strives to safeguard human rights in these main areas at the local level (Cubells, 2013). However, besides focusing on these issues, the municipality aims to implement a wide range of human rights, so that no human rights issues are left unattended. To achieve this, it attempts to create a broad consensus on human rights for the inhabitants of Barcelona. This is done, for example, via the initiative '*Filosofia de lectura fàcil*', which now ensures that official human rights documents written in "difficult" language are published in an easy to read format (Cubells, 2013). Besides this, the civil rights department also organizes an annual cinema festival about human rights and children. Furthermore, they organize a Diversity Day, which aims to educate young people about fundamental rights, raise awareness of their right not to be discriminated against, as well as explain the many benefits diversity can provide.

In implementing the human rights project in the city, the municipality of Barcelona has also created the none-discrimination office and the religious affairs office. The latter is created to guarantee the freedom of thought and religion among the citizens. "It is working so that all visions of life, whether religious or not, continue to be recognized and respected" (Ajuntament de Barcelona, 2013). In achieving this, the OAR works as a mediator between religious groups as well as between religious communities and governmental bodies. By means of training and organizing religious events it attempts to increase religious tolerance (Ajuntament de Barcelona, 2013).

The OND was set up in 1998 and therefore it was the first European municipal office involved in human rights in general, but non-discrimination more specifically. By handling complaints and informing citizens about human rights the OND forms a platform between the municipality and the citizens with regards to discrimination issues (The Observatory on Human Rights in the City of Barcelona,

2008). A current example of the work of the OND can be given in relation to 'la Ley de Dependencia'. This is a national law by which economic assistance is given to people who are in need of medical assistance, for example Alzheimer patients who can no longer take care of themselves (Pulido, 2013). Due to the economic crisis, there have been financial cuts in this economic allowance and this has resulted in complaints to the OND that they have received less allowance because of their ethnicity, religion, gender or belief, while in reality it concerns a national financial cutback that has struck everyone. Consequently, the OND then explains the situation to the claimants. However, when cases that are indeed concerned with discrimination are brought forward to the OND, the office provides legal assistance to the victims (Pulido, 2013).

Another current issue that the OND has been involved in concerns the Roma community in Barcelona. In an attempt to protect the rights of the Roma community of Barcelona, the '*Consejo del pueblo Gitano*' project was created, which is meant for Roma entities to meet and discuss their human rights issues with the OND in an attempt to foster their inclusion in society. Unfortunately, this project is still in need of further development. The problem with these projects is that the Roma community has a certain disregard of and lack of confidence in the Barcelona municipal bodies and if they do not come to the office to ask for aid and assistance, the office is forced to try and find other ways to solve their issues (Pulido, 2013).

Besides these institutions, the municipality has also been involved in the establishment of two other important organizations, the ombudsman and the Observatory on Human Rights in the City of Barcelona. However, the difference with the OND and the OAR is that these two bodies are now working independently from the municipal government. The Ombudsperson was created in 2005 and it is entitled with the legal mandate to oversee the municipal administration. It can either work on its own initiative or when asked for by a third party e.g. an NGO (The Observatory on Human Rights in the City of Barcelona, 2008). The observatory was founded in response to the signing of the ECHRC in 2000 and consists out of several NGO and civil society groups. Its function is to report on the general status of human rights in Europe, Spain, Catalonia, and Barcelona (The Observatory on Human Rights in the City of Barcelona, 2008).

Entirely separated from the municipality, the Human Rights Institute of Catalonia is an important civil society organization. This institute has three main functions: training, political advocacy,

and research (Saura, 2013). As for training, the institute is engaged in providing human rights related courses and presentations both online and in classrooms to inform people about human rights in Barcelona. The second main function of the institute is political advocacy, through which they are responsible for publishing reports on the progress of the human rights project of Barcelona. They are also responsible for organizing public awareness events and general human rights counseling. Lastly, the institute is involved in researching and investigating the proceedings of the human rights project in Barcelona on which they will provide feedback to the municipality (Saura, 2013). An example of one of the projects of the institute is the *Camino Escolar* initiative. This project was put in place as a means to ensure an easy and safe route for children to get to and from school every day. Crossing patrol is involved to regulate traffic, but also shopkeepers are informed to keep an eye out during the hours where children travel to and from school (Saura, 2013).

Other civil society organizations include the Observatory on Conflicts and Human Rights, an initiative from the University of Barcelona to secure social participation in the city, the Commission for the Defence of the Rights of the Individual and of the free Exercise of Law of the Il·lustre Col·legi Oficial d'Advocats de Barcelona, which is involved with safeguarding human rights from a legal perspective, Càritas Diocesana de Barcelona, a Christian organization that stands up for the rights of vulnerable groups in society, El Casal dels Infants del Raval, which is a non-profit NGO that works for proper implementation of the rights of the child, and ECOM Barcelona Federation, an organization created in 2004 that strives to secure the rights of disabled people (The Observatory on Human Rights in the City of Barcelona, 2008).

Besides the organizations and institutions mentioned above, there still are many other civil society initiatives active in Barcelona for the implementation of human rights at a local level. As a result, one could say that the human rights mechanism of Barcelona exists of a large web of many different organizations with the municipality in the center. As a result, human rights are well founded in the city's society as well as in the different municipal bodies.

### *3.4 Other Organizations Concerning Themselves with Human Rights*

Another organization based in Barcelona that concerns itself with human rights, is the Committee on Social Inclusion, Participa-

tory Democracy and Human Rights of the United Cities and Local Governments (UCLG), a world organization representing and defending the interests of local governments on the world stage. The Committee on Social Inclusion, Participatory Democracy and Human Rights is engaged with and actively involve cities that want to work with human rights through a transferal and sharing of cities' knowledge and experience in a global network of cities. The Committee puts active cities in contact with cities that are less willing to implement human rights and try to influence these cities by lobbying. Besides that, the UCLG "facilitates programs, networks and partnerships to build the capacity of local governments" (UCLG, n.d.).

The UCLG has its own human rights charter for cities: The Global-Charter Agenda for Human Rights in the City. This charter has a dual function as both a charter and an agenda: each human right represented in the charter comes with a specific city implementation plan (Global Charter Agenda for Human Rights in the City, 2011). This charter was put forward by the UCLG in 2011, which makes it a relatively new tool for cities to implement human rights. While it is a young instrument, some cities (mainly outside of Europe) have already indicated their interest for it. It would not be necessary for European HRCs that have signed the European Charter for the Safeguarding of Human Rights in the City to sign the other charter as well, as they have already dedicated themselves to working with human rights on a local level. There are also those cities concerned with human rights in Europe that have not signed either charter, but instead have made their own charter. This, according to Ms. Chueca, is the final goal of the UCLG: cities would have their own charter, implementing policies in the city from a human rights framework (Chueca, 2013).

Being a small organization primarily concerned with activities that can be promoted internationally, such as organizing events and adopting charters, the Committee on Social Inclusion, Participatory Democracy and Human Rights of the UCLG does not have the resources to educate the cities or their citizens about the importance of human rights. It does not play a direct role in the implementation process either, as it solely provides tools, leaving the cities to choose and adopt their own policies themselves. It is a thoroughly political organization, serving the goal of creating a common and political understanding about what is currently called the right to the city.

As historical and political contexts differ in various cities, the UCLG cannot prescribe certain modes of action to cities. While the organization does have an agenda, it is not expected that all the



points on this agenda will be implemented by every city, as sometimes the local government is simply not responsible for providing certain services to their citizens. Ms. Chueca also states that human rights discourse has become increasingly local, as local governments play key roles within the human rights domain and in the end are responsible for their own policies. Therefore, the text of the Global Charter-Agenda needs to be adapted to every local context through participatory processes. Primarily, cities will focus on topics in which they are facing problems when adopting a human rights outlook rather than examining the human rights framework.

Cities mostly use human rights to create and raise awareness in their locality of problems and potential solutions to these problems. In the end, this increased awareness could lead to policy making, as mobilized citizens can call on their local governments to improve the situation of the city, or promote and protect certain human rights.

The UCLG is based in Barcelona, as Barcelona was very active both on an international and local level around the time when the decision was made where to base its headquarters. Currently, Barcelona chairs the Committees on Culture and the one on Social Inclusion, Participatory Democracy and Human Rights, as these are the committees most interesting to the city.

### *3.5 Further Cooperation*

In addition to Barcelona's active function in the UCLG, the city is active in many other organizations, either on an international, national, or local level. On an international level, Barcelona and the Non-Discrimination Office in particular, work in collaboration with the Eurocities project: a coalition network of some of the biggest European cities. The project serves to work in collaboration with several EU institutions to respond to these cities' common issues that affect the day-to-day lives of their inhabitants. Barcelona is part of the executive committee of the organization and, besides its role in many working groups, it is currently involved in two main projects: Cities for Active Inclusion and NICE – Networking intelligent Cities for Energy Efficiency (Euro Cities, 2013)

Another example of how the city of Barcelona collaborates with other European cities is the Rainbow Cities coalition. This project is a coalition between the LGBT communities of several European cities organizing social projects, meetings, and activities designed to raise LGBT awareness and LGBT rights (Cubells, 2013).



Other cities with which Barcelona maintains bilateral cooperation on an international level are the French cities of Paris and Toulouse. Barcelona works in close collaboration with these two cities to bring the human rights to the local level (Cubells, 2013).

On the national level, Barcelona is in close collaboration with the northern area of Spain, in particular the Basque Country and Navarra. They cooperate to further understand the arising human rights issues at a local level and work toward a further understanding of how to help the citizens (Cubells, 2013).

Locally, the municipality and the Non-Discrimination Office both work together with and provide financial aid to independent human rights organizations in the city. Despite this financial linkage, the municipality does not have a say in the policies these organizations make. As Mr. Cubells from the municipality puts it: “It is very important to maintain the independence of the entities and their capacity to make decisions objectively, regardless of the support they receive and of the political opinion” (Cubells; Pulido, 2013).

The interviewees were also asked whether they thought other cities should take Barcelona as an example when becoming a HRC. Mr. Cubells, as well as Ms. Pulido, believe that other cities can and should take the example of Barcelona, but do not think they should mimic Barcelona’s ways of working. This is because each city is different and unique. Hence, they have to find and take their own approach that works best in their own situation.

## **4. Implications of the Human Rights Framework**

### *4.1 Measuring the Impact of the Human Rights Approach*

While Ms. Bada explains that it is impossible to measure the direct impact of human rights in the city, it is very hard to measure the right variables. Furthermore, she believes the statistics do not tell the whole story. Ms. Chueca, on the other hand, believes that it is possible to measure the degree to which human rights are implemented. Ms. Chueca puts forward four different types of categories through which the changes made by and the effectiveness of human rights policies in the city could be measured.

The first category is time: how long has the human rights structure been going on in the city? In Barcelona, it has been going on since around the beginning of the nineties, after the apparent seeds of

the movement were planted during the Barcelona Olympic Games of 1992 and the dire situation in Sarajevo and its surroundings around the same time. Barcelona took a leading role with drafting charters and establishing a European network, while at the same time setting up and starting to implement human rights policies on a local level. The movement may have started declining in 2004, but its human rights office and local institutions are still in place.

The second category is institutionalisation: to what extent is the human rights framework utilised within the local municipality? The most important municipal human rights body in Barcelona is the *Regidoria de Drets Civils*. As part of this department, the Non-Discrimination Office and the Religious Affairs Office also play important roles, as well as the LGBT Council. As a result, human rights are well utilised within the municipality, which has resulted in every department implementing human rights into their policies (Cubells, 2013; Pulido, 2013).

The third category is whether the local civil society is active in the field of human rights and whether the civil society manages to put pressure on the local government in order to stress the importance of human rights. Barcelona's policy emphasizes participation of NGOs and other organized groups within civil society, which usually goes via the *Regidoria de Drets Civils* office (RDC). The *Oficina per la No Discriminació* (OND) offers another way for civil society to participate, as it helps denizens with complaints. Participation is also improved by the fact that some groups have been institutionalized, such as the aforementioned LGBT council. These institutionalized organizations give their opinions and statements on issues that concern them and are included in the decision making process. Civil society groups from various backgrounds are also able to pressure the municipality via the Human Rights Observatory (Grigolo, 2009).

The fourth and final category through which to the impact of human rights in the city can be measured is the political will that is present in the city. A strong political will to promote and implement human rights is naturally beneficial to strong and various human rights policies. The political will to use the human rights framework has decreased in Barcelona and with it the rest of the province of which it is the capital, since 2004, but it might re-emerge and strengthen over the coming years as Catalonia seeks independence, or increased autonomy from Spain. There might be a key role for human rights in Barcelona, Catalonia's capital, yet to come. However, it is very unlikely that human rights will become as important to Barcelona as

they were a decade ago. If they were ever to regain some importance, it would be because of their political significance.

Especially the latter two categories are important when it comes to the securing of the budget. The budget in Barcelona for Human Rights policies has decreased mostly because of the lack of strong political will. While it is true that some cuts had to be made due to the recent economic crisis, Barcelona is relatively well off compared to other Spanish cities, not needing the Spanish government for bailouts or funds for projects (Chueca, 2013). Civil society is funded locally, making it more difficult for these organisations to really protest the current governments' policies as it might endanger their funding. Furthermore, as the human rights policies have not ever been in real danger of becoming abolished, but instead have been awarded decreased amounts of available funds, it is difficult to accuse the government of doing nothing with human rights, as the policies are all still in place.

However, as long as no clear improvement due to the implementation of the human rights framework can be measured in Barcelona, it will be hard to maintain political interest for the institutions. All the municipality measures in terms of human rights at the moment are statistics: for instance, how many people participate in certain human rights related activities. These statistics cannot provide the politicians with the complete overview. Besides this, when the municipal representative Mr. Cubells was asked about the awareness about human rights among Barcelona's citizens he was of the opinion that many people do know that their city is a HRC, but many question its capabilities (Cubells, 2013). The problem both the municipality and the Non-Discrimination Office face now is that the more the people of Barcelona know about human rights and the human rights project of Barcelona, the more they expect from the city which, according to the civil servants, leads to more disappointments. This has proven to be rather problematic when it comes to informing the inhabitants about their projects. They have to find a balance between how much they can tell about their projects, so that it does not lead to disappointments. However, in general, the conclusion is that the experience with the human rights framework is still too short to show whether a difference has been made in terms of the improvement of various human rights.

#### 4.2 *The Human Rights Budget*

One of the more complicated parts about running an office of a nature such as the Non-Discrimination Office in Barcelona is how to manage the budget. When asked if they have witnessed any drastic changes to the budget due to the current crisis, the interviewees held that the budget has not changed specifically for the Office, just that the overall human rights project budget has been lowered. According to the interviewees, there has been a lineal small lowering of the overall municipal budget. It is very difficult to lower the budget and hard to prioritize how to spend it efficiently. They have to focus on what is important and cut back anything unnecessary. For now, the budget cuts are not that bad and not many issues have been brought up due to budget cuts in the municipality. As an example, they have opened two new *comedores* (food courts) for homeless people since the municipal budget cuts. This is much more of an important issue than having to spend more money on something else.

#### 4.3 *Decline of the Human Rights Framework*

At the start of the human rights implementation in Barcelona, its mayor, Pasqual Maragall, was very active in the area of human rights and Barcelona itself was also trying to be active internationally, while trying to strengthen the voice of local government before the multilateral government. His successor, Joan Clos, currently the Under-UN Secretary General and the Executive Director of UN-Habitat, while continuing the human rights policies, already was less concerned with actively establishing new human rights programs or strengthening the international position of Barcelona. In 2004, strong political will toward implementing human rights started to wane, decreasing the importance of human rights in Barcelona. New mayoral changes, changes in government on the city, province, autonomous community level, and the economic crisis have further decreased the importance of the implementation of a human rights framework in Barcelona.

However, this phenomenon of the decrease of the human rights framework cannot just be perceived in Barcelona, but in the rest of Europe as well. As Ms. Chueca puts it, “the movement has lost momentum” (Chueca, 2013). On the other hand, it is gaining momentum outside Europe. New HRCs, such as Montréal in Canada, or Gwangju in South Korea have arisen recently and are currently taking a leading role. The UCLG has now started to host worldwide

forums discussing the right to the city and the implementation of human rights in the city instead of just hosting conferences on the ECHR charter with the European cities, providing for a dialog with cities outside of the European Union.

While the movement may have lost its momentum in Barcelona, it is still seen as one of the most active cities when it comes to promoting human rights, together with cities such as Graz. This promotion is completely local, however, and does not concern itself with international activity anymore. According to Ms. Chueca, it is the most advanced Human Rights City because of the services it offers and the available tools, such as a local Ombudsman and a Non-Discrimination Office, which strive to even further improve the human rights framework by addressing citizens with regard to any complaints they may have in connection to discrimination issues. The establishment of a local Ombudsman is an example that has been followed by many relatively more recent human rights cities, such as Mexico City.

The loss of momentum in Barcelona is also reflected in the other cities that have signed the ECHR in the province of Barcelona. These cities and municipalities have also adopted human rights policies in the past and also established the office of a local Ombudsman. The support of the provincial government enabled these municipalities to implement their policies. All in all, the situation of the province of Barcelona is unique within the European Union, as there is no other network of cities that is so geographically close within itself. The motivation of these cities to adopt these human rights policies was to follow Barcelona in its footsteps, make use of its experience, and become a closer region in terms of political unity to the outside world. It was also easier for these cities and towns to follow Barcelona's example, as both the city and the province had the same government. According to Ms. Chueca, this network used to be very useful for the Human Rights discourse, as there was mutual exchange of experience in local governments, which shared a common history and a common political climate. This network, however, slowly started declining already before Barcelona itself started attaching lower importance to human rights and it has weakened so much it may cease to exist in the coming years (Chueca, 2013).

Currently, while still having various institutions working for human rights in the city, the municipal department of human rights has been merged with the department of gender politics in a small department. This has happened due to the new government, which

does not attach much importance to the promotion of human rights. There are currently less people working in this department than before with a lower budget.

However, due to the economic crisis some claims to certain first-generation rights, such as the right to housing, have been raised in Barcelona recently. These worries for the future could be turned around in a new positive light: new human rights initiatives could start to spring up and be slowly implemented in Barcelona to start off a new period of working with a human rights framework. The crisis, according to Ms. Bada, has made people more social. There is more collective action to be found. Although these consequences of the crisis are more concerned with social movements than human rights in the municipality, Barcelona may pick up on this renewed interest and start implementing new policies to better the life of its citizens. There can, however, be no guarantee for a positive future for human rights in Barcelona.

#### *4.4 Pitfalls of the Human Rights Approach*

If human rights are not translated to local problems and solutions in the city, it becomes harder to implement. There is a need for translation of human rights in order to make it more relevant to the own territory, be it either on a political level, or on a civilian level. As cities are not designed around humans, this vernacularization could put people at the centre of local politics, creating better living circumstances.

Sometimes, human rights are just used for marketing purposes, like ‘make-up’ as Ms. Chueca puts it. Ms. Bada, when describing human rights policies, also used these words. However, she thought it was more a kind of ‘make-up’ for the municipality, providing services that may not be that essential to the city, or local politics.

Another danger of the human rights approach is that certain human rights are more favored by cities than others. Especially the first generation of human rights—those present in the Universal Declaration of Human Rights—are often implemented, as these can be more easily guaranteed than certain later generations of rights. Socioeconomic rights are often forgotten in the adoption of the human rights framework in the city. In Barcelona, mainly civil and political rights have been implemented.

## 6. Conclusion: Opposing Opinions

Barcelona, being one of the oldest HRCs in the existence, forms an interesting case study, especially because people involved in the city's human rights project have very opposing views on its motivations, practical functioning, and effectiveness. On the one hand, many are critical because there is no clear way to measure the impact human rights have had in the city. The budget has been decreasing over the years, as has the political will to promote human rights in the city. Others, however, have stated that the human rights project in Barcelona is still thriving.

When it comes to the motivations of Barcelona to implement the human rights framework, it was stated that Barcelona wanted to establish itself on an international platform as well as make local changes. After the 1992 Barcelona Olympic Games and the conflict in Sarajevo, Barcelona actively wanted to do something with the framework. However, according to the municipality and the Non-Discrimination Office, there is no single motivation for the initiation of Barcelona as a HRC. Instead, labelling itself a HRC was simply a confirmation of the already existing human rights framework in society. As a result, there is also no single driving force behind the project, but a general consensus.

The mayor at the time, Pasqual Maragall, was one of the main driving forces of the application of the human rights framework, even though Barcelona only formally became a HRC after Clos was installed as mayor in 1998. Under Clos' leadership, the human rights approach was very active between 1998 and 2004, leading to, for instance, the establishment of the HRCs network in the province of Barcelona. After 2004, however, the movement lost momentum.

The effectiveness of the implementation is hard, if not impossible to measure. Statistics provided by the municipality do not tell the whole story. The human rights framework has not been in Barcelona long enough in order to establish whether there have actually been improvements, which makes it more difficult to justify the expenses made toward the project on a political level. However, the institutionalization of the human rights policies in Barcelona makes it hard for politicians to abolish them and instead, fewer funds and other resources are put at the disposal of the human rights department in Barcelona. Without political motivation, the application of the human rights framework in Barcelona will continue to decline.

If there would be an increased political will, more policies would be implemented again.

As could be expected, the municipality has a much more optimistic view on the implementation and effectiveness of human rights in the city of Barcelona. They see a positive change in society since the implementation of the HRC framework. The majority of the citizens are aware of human rights and they are also not afraid to claim these rights on the political level. As a result, it can be said that human rights have become grounded in society, as well as in politics. The need to specifically address human rights in politics and lobby for their implementation has diminished over the years because there a solid legal framework now exists. Many political and civil society organizations, such as the Non-Discrimination Office and the Human Rights Institute are now actively striving to further improve the human rights framework.

These opposing points of view make it difficult to provide one single overview of Barcelona as a HRC. It should be acknowledged that certain actors such as the municipality would always have a more positive opinion about the project than, for example the Tribunal of Justice. However, it can be said that although Barcelona has been a HRC for fifteen years, it is still an on-going and developing process.



# Human Rights Cities in Austria: Graz and Salzburg

## Localizing Human Rights in Cities that Share National Context

### **1. Introduction**

It can be useful to study HRCs located within the same country. This shows the implications of HRCs that share a national history, constitution, legal system, political landscape, and local government structure while being grounded in distinctive, city-specific contexts. Looking at the relationship between the national context and the local context of HRCs can provide insight into how human rights initiatives can be successfully localized in order to deal with unique issues and circumstances.

In this chapter, we examine two cities in Austria, namely Graz and Salzburg. These cities were selected as cities of interest because they are the only two known HRCs in Austria and because their cases provide two different sets of implications and lessons. On the one hand, Graz became an official PDHRE HRC in 2001 and has since seen notable progress in its initiatives. The human rights education provided in the city is wide-ranging and has used vernacularization to successfully improve local reaction to human rights. In addition, both the creation of the Graz Human Rights Council in 2007 and the creation of a pilot Anti-Discrimination office evidence the institutionalization of human rights in Graz. Also, the monitoring of political campaigns has led to less public discrimination by political parties. On the other hand, Salzburg became a HRC more recently, when it signed the European Charter for the Safeguarding of Human Rights in the City in 2008. Since then, there has been a process of figuring out the meaning behind the city's HRC title. Despite the commitment of key players in providing human rights education and generating awareness, involvement with the municipality has been

minimal. This has limited the initiative's progress. So, what we have found is that the cases of Graz and Salzburg have both taken place in the same national context, but tell different tales about what it means to be a HRC.

The data of our study is built upon information collected through semi-structured interviews with seven actors involved in the HRC initiative in Graz and four actors involved in Salzburg. The actors in Graz, who were interviewed face-to-face, are Klaus Starl, the project manager and executive secretary of the European Training and Research Centre for Human Rights and Democracy in Graz (ETC Graz), Thomas Rajakovics, a Graz city councilor, Barbara Schmiedel the head of Human Rights Education at ETC Graz, Markus Möstl, a researcher on the monitoring of human rights, Helmut Strobl, the former Director of Cultural Affairs in Graz, Max Aufischer, the head of *Kulturvermittlung Steiermark*, and Daniela Grabovic, the Director of the Graz Anti-Discrimination Office. Moreover, in Salzburg the interviews were conducted face-to-face, and include Josef Mautner, who works in middle-management for the Katolische Aktion and holds the chair position in the Round Table, Ursula Liebing, who was interviewed on behalf of the Platform of Human rights, for which she is also a spokesperson, Philip Czech, an editor of books and magazines for the institute of Human Rights and is part of the Round Table, and Daiva Döring, an integration officer for the municipality of Salzburg who holds a managing position at the Round Table. In addition, we refer to relevant literature (including pamphlets, brochures, a short film, organization websites, legal sanctions, etc.).

We aim to provide a thorough overview of both cities' motivations, mechanisms, instruments, and implications, drawing conclusions on the value of and the significance behind the HRC title. As Graz is one of the earliest HRC initiatives in Europe, we emphasize the city's use of mechanisms and instruments to give a sense of mechanism transferability and inspiration to other HRCs. Because Salzburg is a more recent HRC that faces difficulty in achieving its approach, we stress its barriers and pitfalls. Lastly, we distinguish between the initiatives in the cities to identify conclusions and draft recommendations for HRCs, comparing and contrasting the value of signing the PDHRE versus the European Charter for the Safeguarding of Human Rights in the City.

## **2. Austria and Human Rights: National Context**

### *2.1 Relevant History*

Human rights violations are very much woven into Austria's national history. One example is how Catholic Habsburg rulers enforced religious intolerance in the 16<sup>th</sup> century (Marks, Modrowski, & Lichem, 2008). Another example is how Chancellor Engelbert Dollfuss and the Christian Social Party established an autocratic regime tending toward Italian fascism, under which the Social Democratic party was outlawed in 1934 (Johnson, 1989). The Second World War had a substantial impact on the degree of intolerance in Austria on the national level as well. Austria was annexed in the German Third Reich from 1938 to 1945, a period when 65,000 Austrian Jews perished, more than half of all Austrian Jews left Austria, and thousands of Roma and Austrians with mental or physical disabilities were killed (Anschluss, 2013).

Much later, the Bosnian War played an important role in making human rights related issues relevant in Austria. Due to its geographic location, Austria was the first Western European country impacted by the 'Bosnian refugee crisis', seeing the immigration of more than 30,000 Bosnian refugees between April and August of 1992, followed by thousands more in following years (Franz, 2010). Consequently, Austria witnessed an increasing issue with integration, a dramatic rise in its Muslim population, and a substantially more diverse multicultural civil society within the 1990s. By 2006, 814,800 foreign-born naturalized Austrian residents lived in Austria, representing 9.8% of the total population, which is one of the highest rates in Europe. Between 1985 and 2003, 110,00 of these citizens came from Former Yugoslavia.

### *2.2 Legal Situation*

The organization of Austrian legal administration emphasizes two principles: the constitutional basic principle of the Federation and the principle of local self-administration of Austrian municipalities. These principles are represented in an administrative structure divided by three levels: the level of the federal government, the level of

the federal state administrations of the nine Austrian States<sup>1</sup>, and the level of local self-administration of 2,358 municipalities (Administration in Austria). Each of these levels deals with fundamental rights and freedoms.

The federal government, chaired by the Federal Chancellor and led by Federal Ministers, is the largest administrative organization in Austria. Fundamental rights and freedoms can be seen as a priority in the federal constitutional law of Austria, which is divided into numerous acts (Fundamental rights). The cornerstone of the Austrian constitution is the *Bundes-Verfassungsgesetz* (B-VG), which includes the most important provisions of the constitution. In addition to the B-VG, there are a high number of constitutional acts and individual provisions that are designated as constitutional. Even though civil liberties are spread across different constitutional legislative acts and cannot be derived from a specific provision, human rights are commonly seen as a basic pillar of the Austrian constitution (Eberhard & Lachmayer, 2010).

The Basic Law on the General Rights of Nationals of the Kingdoms of the Länder represented in the City Council of the Realm is the body of law closest resembling a bill of rights at the Federal Government level. It was issued in 1867. When establishing the Federal Constitutional Law in 1920, the political parties involved could not agree on a set catalogue of fundamental rights, so, to establish a lowest common denominator, they decided to adopt the Basic Law on the General Rights of Nationals of the Kingdoms of the Länder in the City Council of the Realm as a fundamental rights catalogue on the constitutional level (Lachmayer, 2013). What is interesting about this fundamental rights catalogue is that it grants fundamental rights to nationals, aliens, and stateless persons. The catalogue includes the inviolability of property (art. 5), personal liberty (art. 4), the right to a lawful judge, the rights of the householder, privacy of the post, freedom of expression (art. 13), freedom of the press, freedom of conscience and of worship (art. 14 to 16), and freedom of knowledge and its teaching (art. 17) (Austrian Federal Constitution).

During the 1950s, Austria became a signatory of the ECHR. In 1964, Austria adopted the ECHR on the level of the federal government and assigned it to function as a supplement to the fundamental

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1 Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tyrol, Vorarlberg, and Vienna

rights catalogue, giving it the rank of directly applicable to Federal Constitutional Law<sup>2</sup> (Martinico & Pollicino, 2010). The ECHR has a firm place in the jurisprudence of the Constitutional Court (Verfassungsgerichtshof, VfGH), which has primary competence for deciding on infringements of fundamental rights (Öhlinger, 1990). In this regard, Austria blends both dualist and monist features, but has moved to a strong monist posture (Keller & Sweet).

Just because the ECHR has a place in the jurisprudence of the Constitutional Court does not imply that judgments of the ECHR are directly applicable within domestic law, or that laws infringing the ECHR can be abolished. Austria is a dualist system in the sense that it necessary for the Austrian legislator to enact specific provisions. It has been said that the Austrian legislator has continuously been influenced by the ECHR itself and by the case law of the Strasbourg organs (Lachmayer, 2013). When legislative changes are required to avoid similar condemnations in the future, the Austrian lawmaker has demonstrated in many cases to be prepared to follow the opinions of the ECHR by amendments, or enactment of new laws (Lachmayer, 2013). However, a discrepancy continues to exist between official references to the ECHR and actual willingness to conform national judicial and legal interpretations to the ECHR (Lachmayer, 2013).

In addition to the ECHR, Austria has ratified five key conventions at the level of the Federal Government that have binding obligations<sup>3</sup>. However, Austria has not yet ratified a number of legal instruments<sup>4</sup>, which is one of several reasons for why the federal

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2 It is explained that the ECHR has a double status in Austria. In addition to its character as an international treaty, it has been transformed, on the domestic level, into a law with the rank of a constitutional act. First, the ECHR grants individual rights that are directly actionable before all courts and authorities. Given their status as constitutional law, these rights may be relied upon before the Constitutional Court.

3 International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, International Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, Convention on the Rights of the Child

4 Including: UNESCO Convention Against Discrimination in the Education System, European Convention on the Legal Status of Migrants, Convention on the Participation of Foreigners in Public Life at the Communal Level

government is criticized. These criticisms have emphasized lack of sufficient protection against discrimination of third country nationals, and limited provisions in criminal law to support redress in cases of racially motivated violence, insult and denigration, or of dissemination of racist propaganda (Responding to Racism).

The federal state administration is directed by a leadership organ of the state that acts much like a committee and is run by a state government office led by the State Governor and the Head of the Government Office (Administration in Austria). All nine federal states in Austria have their own state constitutions. These state constitutions can deal directly with human rights in Austrian cities, as the legislation concerning community law, regional planning and development, and provincial constitutions is reserved to them (The federal principle).

The municipal level is under the leadership of the Mayor, who is elected by the municipal council representative organ, or directly by the citizens of the municipality. Responsibilities of the municipality include the creation of educational, social, environmental, and cultural infrastructure. Fifteen of the largest Austrian cities play a very specific role among municipalities, as they are cities with their own statutes. On top of their municipal responsibilities, they also function as administrative districts. Graz is a statutory city of the federal state of Styria and Salzburg is a statutory city of the federal state of Salzburg. According to Klaus Starl, this makes it easier to have a human rights regime at the local level in Austria because there is a “legal obligation to implement human rights” (2003).

### *2.3 Human Rights in the National Political Landscape*

The progress of human rights at the national level has experienced a considerable amount of resistance. Right-wing political parties in Austria, which include the far-right Freedom Party of Austria (FPÖ) and the center-right Austrian People's Party (ÖVP), have led this resistance. The issue of immigrants and, more specifically, the issue of the Muslim population in Austria have been the primary concerns of the resistance.

Before the 1980s, immigration was not an issue of strong relevance in Austrian politics (Gärtner, 2002). This changed during the late 1980s and 1990s when the FPÖ began to campaign on immigration grievances with Jorg Haider, the party leader during the time, through initiatives such as ‘Austria First!’, a 1993 initiative to restrict

immigration (Meret, 2009). By 1992, the issue of immigration was number two on the political agenda of the Austrian electorate (Gärtner, 2002). In 1993, the FPÖ drafted a petition with the following demands: more rigorous measures against immigration, more border control, more police force to prevent illegal immigration, a restriction of the rules for achieving Austrian citizenship, tougher measures against immigrants abusing social benefits, and a limitation of students with another mother tongue in Austrian school classes (Meret, 2009). While the petition was a failure, it prompted the Austrian national government to tighten immigration policies for fear that the FPÖ would gain momentum (Meret, 2009).

In 1999, the ÖVP formed a coalition with the FPÖ. Wolfgang Schüssel, a member of the ÖVP, became federal chancellor. This allowed the FPÖ to develop its influence. In 2002, the Parliament approved the *Integrationsvereinbarung*, which required non-EU migrants to demonstrate basic knowledge of the German language when applying for a residence permit (Meret, 2009). Additionally, the coalition prompted changes to the Asylum Act, which gave police forces authorization to expel asylum seekers even when their case was still heard by the courts. Accordingly, the number of asylum applications dropped from 32,000 in 2003 to 13,300 in 2006 (Meret, 2009).

The FPÖ is known for its Islamophobic campaigns, which have used hate-speech. The FPÖ is not necessarily against the idea of human rights, though its conception of which rights should be supported has been known to vary from those granted by the constitution. The position of the FPÖ regarding human rights and the Muslim population is well summarized with the following quote from Jorg Haider: “Human rights and democracy are as incompatible with the Muslim religious doctrine as is the equality of women. In Islam, the individual and his free will count for nothing; faith and religious struggle—jihad, the holy war—for everything” (Merkel & Weinberg, 2003).

## **Graz: The First Official PDHRE HRC**

### **3. Local Context**

#### *3.1 Relevant History*

While Austria as a whole experienced intolerance during the Second World War, one can say that the degree of intolerance in Graz during the time was higher than the national average. Even

the Nazis were surprised by the anti-Semitism that existed in the city before it was annexed into the Third Reich (Schmiedel, 2013). With some support from civil society, the Graz Jewish population was driven out and Graz was declared *Judenrein*, or free of Jews (Marks, et al., 2008). A symbol of the anti-Semitism in Graz during the Second World War is the Graz synagogue, which remained in a demolished state from the 1938 *Reichskristallnacht* until 2000, when it was rebuilt. The Second World War, according to one of our interviews, led to mistrust of public officials by Graz civil society and prompted civic movements with citizens seeking influence in the city government's decisions. Accordingly, there is strong civil society engagement in local politics today (Strobl, 2013).

Graz is located in the South Eastern corner of Austria, very close to the borders of Slovenia, Croatia, and not far from Bosnia-Herzegovina. So, the 'Bosnia refugee crisis' had significant impact in the city. Due to the resulting influx of refugees and immigrants during the 1990s, a shift in minorities occurred: within four years, Islam went from being a minority religion to the second largest religious group in Graz (Starl, 2013).

### *3.2 Local Characteristics*

Graz is the second-largest city in Austria. In January 2013, it had a population of approximately 300,000. Out of this population, 223,000 are Austrian citizens, 16,500 are from other EU member states, and 27,500 are from countries outside of the EU (Good practice approaches). People from 150 different nations are represented (Grabovac, 2013). According to the statistics of the City of Graz, the five largest groups (in descending order) come from Bosnia and Herzegovina, followed by Germany, Croatia, Turkey, and Romania (Summary of situation analysis). There are six universities in Graz, with more than 44,000 students (nearly one sixth of the total population) of which a large number have secondary residence status (*Bevölkerungsstatistik*). The culture has been described as tending toward the avant-garde (Marks, et. al., 2008). Graz became a European Capital of Culture in 2003 and a UNESCO City of Design in 2011.

### *3.3 Administration*

Following the 2012 elections, the City Council of Graz has forty-eight members, representing six parties. Seventeen city counselors



represent the ÖVP, ten city counselors represent the KPÖ, seven city counselors represent the SPÖ, seven city counselors represent the FPÖ, six city counselors represent the Grüne, and one city counselor represents the Piraten. The current mayor, Siegfried Nagel, is a member of the ÖVP. What is striking about this division is the notable presence of the KPÖ party, a communist political party. The party is said to have some of its strongest support and influence in Graz (Starl, 2013).

#### **4. Motivations**

First, we outline the key actors behind the initiative with the aim of showing the origins of Graz as a HRC. Second, core motivations for the initiative are discussed. Lastly, the process through which Graz officially became a HRC is described.

##### *4.1 Key Actors: The Origins*

One key actor behind the initiative was Professor Wolfgang Benedek. Among other impressive positions, he worked as an Advisor to the African Commission on Peoples' Rights in Banjul, Gambia and chaired the World University Service of Austria (reconstructing universities in Bosnia Herzegovina, Montenegro, and Serbia, and establishing human rights centers in these universities) before he, in 1999, provided the framework for and created ETC Graz in a classroom at the University of Graz. One cannot discuss the creation and importance of ETC Graz without mention of another key actor, Klaus Starl, who was essential to the process as well. ETC focused (and continues to focus) on theoretical and practical issues of implementation of human rights, emphasizing human rights at the local level, anti-racism and non-discrimination, democracy, rule of law and good governance, Southeast Europe, and Human Security (ETC website). ETC sought to instill an interdisciplinary approach through research, education, and consulting, leveraging international human rights related networks. To an extent, ETC provided an umbrella under which civil society could channel the efforts of human rights related NGOs (European Training Centre).

It should be noted that the efforts of ETC were not explicitly directed toward obtaining HRC status for Graz, but toward a more general goal of developing a local reaction to human rights violations and strengthening existing networks (Starl, 2013). In that regard, the

work of Benedik and Starl helped solidify bottom-up human rights initiatives in pre-HRC Graz.

Another key actor was Alfred Stingl, the Social Democrat mayor of Graz, who held office from 1983 and 2003. Because Alfred Stingl personally experienced immediate impact of the Second World War, he was in favor of a human rights initiative to help remedy Graz's past (Strobl, 2013). Alfred Stingl worked with an additional key actor, Helmut Strobl, the Counselor of Cultural Affairs, who held office from 1985 to 2001, to prompt human rights related initiatives such as reopening and rebuilding the Graz Synagogue and successfully making Graz a UNESCO World Culture Heritage Site in 1999. Without the cooperation of Stingl and Strobl there would not have been as much potential for making Graz a HRC (Marks et al., 2008).

#### *4.2 Core Motivations*

An important facet of Graz's pre HRC human rights initiatives was the dedication and motivation of civil society to voice human rights violations and to strive to improve the way of life in the city. Throughout the 1990s, largely in response to the impact of the Bosnian Wars, a diverse set of NGOs and other groups sought to put pressure on the government and politicians. Daniela Grabovac explains that this was a "brave role, sometimes even nasty" (Grabovac, 2013). An example is the migrant's council that was created in 1995 to represent the interest of foreign citizens, focusing on social and political discrimination, living circumstances, and educational matters to propose solutions to appropriate City Council Departments (Good practice approaches). In the 1990s, human rights violations in Graz took place, but were not explicitly monitored at the local level. Monitoring occurred at the national level by the Austrian Human Rights Advisory Council (AHRAC, established in 1999) in its annual report, as well as by the International Helsinki Federation for Human Rights (IHF, established 1982), a group of international human rights oriented NGOs and not-for-profit organizations, in its Annual Report on Human Rights Violations. Both the AHRAC and IHF documented a high number of racist incidents, as well as human rights violations by public authorities (IHF, 1999; Benedek, 2002). The presence of human rights violations and the motivation of civil society provided a launching pad for the label of HRC to be adopted and implemented.

The second chief motivation behind Graz's human rights initiatives was political. On the one hand, it has been said that center and left-wing parties promoted human rights initiatives to slow down the momentum of the FPÖ, which was riding on the immigration grievances ticket at the time (Starl, 2013). Institutionalizing human rights could help to prevent the degree of discrimination in the city. On the other hand, there existed a general consensus that those in the city government did not want to be "against" human rights (Strobl, 2013).

#### *4.3 The First Official PDHRE City*

In 2000, ETC Graz organized a seminar on human security, human rights, and human development in cooperation with the Human Security Network in which the People's Movement for Human Rights Education (PDHRE) was invited (Bailloux, 2009; Marks et al., 2008). There, Shulamith Koenig, the Founder-Director of PDHRE, proposed that Graz become an official HRC (Bailloux, 2009; Marks et al., 2008). Later that year, the Austrian Foreign Minister, Mrs. Benito Ferrero-Waldner, held a speech at the 55<sup>th</sup> session of the General Assembly of the UN, in which she declared that Graz would become a HRC (Bailloux, 2009; Marks et al., 2008; Verbatim records).

A process of "rushing diplomacy" followed during which Wolfgang Benedek, Klaus Starl, and Walter Lichem, who drafted Ferrero-Waldner's UN speech, hoped to ensure that the declaration had as much legal content as possible (2013). In February 2001, endorsed by the city government, the city council of Graz took the unanimous decision to declare Graz a HRC and to commit itself to base decisions and acts firmly on a human rights basis so that the human rights standards would be respected in all the decision-making of the leaders (Bailloux, 2009). Klaus Starl holds that before this proposal, there was no intention of making Graz a HRC: "It was not really a conscious process... We only became a HRC because we were asked to be that" (2013). Helmut Strobl states that, "choosing a direction is the essence of signing the PDHRE. By doing so, Graz chose a direction toward a better city" (2013).

### **5. Mechanisms and Instruments**

Signing the PDHRE is only the first step to becoming a HRC in the future (Strobl, 2013). Here, we outline the implementation techniques and mechanisms used within Graz in the effort of living

up to the title of HRC. First, we discuss the PDHRE implementation plan and the role of the steering committee. Second, we look at the mechanisms and instruments of human rights education, legal sanctions, and monitoring. Lastly, we shed light on the role of barriers in the implementation process.

### *5.1 The PDHRE Implementation Plan and the Steering Committee*

Graz, as the first official PDHRE HRC, adopted the implementation model suggested by the PDHRE (Marks et al., 2011). The first step of the PDHRE model involved the creation of a steering committee, “with representatives from all sectors of society, civil society organizations, solidarity groups, lawyers, and governmental and international agencies” (Starl, 2006). Thus, the ETC coordinated a steering committee with more than twenty people representing different organizations and institutions (Marks et al., 2011). Three working groups were set up in order to map the situation with regard to civil, political, economic, social, and cultural rights (Marks et al., 2011; Starl, 2006). The second step of the PDHRE’s model entailed designing a plan of action and developing a common vision for the HRC. The Graz steering committee accordingly performed a study on the human rights situation in Graz and rendered it into a problem index and an action program with a set of priorities (Marks et al., 2011). The result was the identification of six principle areas of concern: needs of women, of children and youth, of persons with disabilities, of migrants, of the elderly, and of socially disadvantaged people. The third step of the PDHRE model concerned the citizens themselves, making sure that they advocated human rights. The fourth step of the PDHRE model involved the creation of immediate and long term plans for the city. Graz did not complete this step because, by 2002, the steering committee lost official sponsorship by the city government (Marks et al., 2011).

In the absence of a steering committee, ETC Graz largely led Graz’s HRC initiatives. In 2003, Klaus Starl became the project manager of ETC, directing an array of human rights oriented projects. In 2007, the efforts of ETC Graz led to the establishment of the Graz Human Rights Council, which currently operates as a new steering committee. In 2006, Graz became a member of the European Coalition on Cities against Racism (ECCAR) and has since incorporated ECCAR’s Ten-Point-Plan of Action into the agenda of the city government.

### 5.2 Human Rights Education

As one instrument to implement the notion of HRC, human rights education in Graz has proven to be a valuable tool for generating awareness about human rights within civil society. ETC Graz conducts workshops and lectures for a wide array of groups with the aim of creating a human rights culture.<sup>5</sup> These efforts often make use of vernacularization to make issues relevant at the local level, so that people see “human rights do not only happen far away in Africa” (Strobl, 2013). An example of this is the *Kenne Deine Rechte* project, which has shown the role of human rights in schools. *Das Boot ist Voll* is another example—participants play a board game in which they act according to roles, such as a Muslim woman (Schmiedel, 2013). The Inter-Religious Council holds inter-religious seminars as well.

Human rights education has also been useful in making public officials more aware of human rights concerns. ETC has given professional human rights trainings to teachers, judges, and police officers. There have also been efforts to create human rights awareness within the city council. This is partly done as a lobbying exercise—an attempt to making city councilors more supportive of the HRC initiative. Klaus Starl provides an interesting example of how vernacularization can occur in this process of education, especially among businessmen: he begins by simply asking people “Why do we have bankruptcy procedures?” (2013). Another means of educating public officials involves making the HRC title matter to politicians, for example showing them how welcoming immigrants has helped to boost the local automobile industry. In addition, personal discussion with city government officials that causes them see the role of human rights in their private lives can be effective (Strobl, 2013). The human rights budget (600k is directly available for human rights integration) is another indication that human rights are quite well received in the city government.

Events also provided an avenue for human rights education in Graz. An example is how Graz became the European Capital of Culture in 2003. This event provided a considerable amount of momentum to the HRC initiative, including the creation of a Human

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5 A human rights training manual can be accessed at: [http://www.etc-graz.at/typo3/fileadmin/user\\_upload/ETC-Hauptseite/manual/versionen/english\\_3rd\\_edition/Manual\\_2012\\_FINAL.pdf](http://www.etc-graz.at/typo3/fileadmin/user_upload/ETC-Hauptseite/manual/versionen/english_3rd_edition/Manual_2012_FINAL.pdf)

Rights Walk (Starl, 2013). In 2003, the world's first football tournament for homeless persons was organized in Graz (Strobl, 2013). This demonstrates that events can be a useful means of energizing efforts on the citywide level and beyond.

### *5.3 Legal Action*

Legal action has also been used as an instrument to safeguard human rights in Graz. An example that is often referred to is how the general begging ban of May 2011 in Styria was brought to the Supreme Constitutional Court by a priest and a beggar who were backed by both ETC Graz and the Graz Human Rights Council. In January of 2013, the general ban was found unconstitutional and only "intrusive" begging remained illegal in the federal state of Styria.<sup>6</sup> Another example of legal action is the case of an individual who was illegally interrogated by a Graz police officer. The individual's complaint led to a €1,677.80 charge for the perpetrator.<sup>7</sup> This shows that those behind the HRC initiative in Graz are, so to say, not afraid to use the stick of law.

### *5.4 Monitoring*

Since Graz became a HRC, the monitoring of human rights in the city has improved and has effectively been used as an instrument to hinder human rights violations. One NGO in particular, Helping Hands Graz, worked to document violations in an annual report and to provide a platform in which Graz citizens could express concerns. Efforts of ETC Graz and Daniela Grabovac, an administrator of Helping Hands Graz, led to the creation of a pilot Anti-Discrimination Office, which provides a yearly report on the human rights situation in Graz. As a member of ECCAR, Graz has also made use of the ECCAR-ADIX model for measuring racism and inequality.<sup>8</sup> In addition, the Graz Human Rights Council also continues to publish an

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6 [http://www.etc-graz.at/typo3/fileadmin/user\\_upload/ETC-Hauptseite/themen/MRS/bettelverbot\\_steiermark\\_g64-8.11.pdf](http://www.etc-graz.at/typo3/fileadmin/user_upload/ETC-Hauptseite/themen/MRS/bettelverbot_steiermark_g64-8.11.pdf)

7 [http://www.ris.bka.gv.at/Dokumente/Uvs/JUT\\_ST\\_20121009\\_2003010\\_12\\_00/JUT\\_ST\\_20121009\\_2003010\\_12\\_00.pdf](http://www.ris.bka.gv.at/Dokumente/Uvs/JUT_ST_20121009_2003010_12_00/JUT_ST_20121009_2003010_12_00.pdf)

8 An outline of how Graz has used ECCAR-ADIX can be found at: <http://cor.europa.eu/en/activities/commissions/civex/work-progress/Documents/a2e32936-9662-49f0-84b8-300b88607b95.pdf>

annual report with “all elements of a legal instrument” (Starl, 2013). A striking aspect of this report is that its results are actually read to the city council by the Mayor, which prompts discussion with stakeholders. Monitoring has also been used during political campaigns to limit the use of discriminatory hate speech by the FPÖ.<sup>9</sup> Parties that actively use hate speech in their campaigns are threatened with not receiving campaign refunds (Starl, 2013).

### *5.5 Barriers*

The HRC initiative in Graz faces a number of political barriers. For one, human rights are not seen as enough of a priority by the current mayor (Starl, 2013). In addition, the presence of the FPÖ in the council has meant that the Graz Human Rights Council has to be careful with its criticism and the content of its human rights report. Following the general ban on begging, Klaus Starl made sure not to be against it too openly (2013). One way in which the initiative has attempted to curtail potential negative influence of right-wing parties is by recognizing their human rights efforts. For example, the FPÖ was given a human rights award. Klaus Starl explains that, “a large part of being a HRC is making use of opportunities” (2013).

## **6. Implications**

Particularly in the past two years, the situation in Graz has greatly improved. This is not only due to Graz being a HRC, but also to NGOs and their efforts to protect human rights (Starl, 2013; Schmiedel, 2013). Since Graz became a HRC, there has been more awareness concerning discrimination, but the amount of human rights violations has remained the same (Grabovac, 2013). During elections, there has been a twelve percent increase in discriminatory attacks (Grabovac, 2013). Campaign monitoring has been found to contribute to less discrimination (Grabovac, 2013). The signing of the PDHRE has been found to be of great help in effectively implementing human rights in Graz. The set of guidelines offered in the PDHRE makes it extremely useful and easy in use.

Additionally, institutionalization has been an important part of the process of becoming a successful HRC. This can be seen by the

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9 <http://www.wahlkampfbarometer-graz.at/cms/>



creation of the Human Rights Council. However, more institutionalization is needed in order to decrease the amount of discrimination in Graz. Hence, a pilot anti-Discrimination Office was set up. Both institutions have contributed toward a successful GHRC.

One pitfall of the project has been dealing with the media (Strobl, 2013; Grabovac, 2013). An example is how *Die Kleine Zeitung* reported about radical Muslims based on an interview with the head of the Styria Police Department. In this interview, the head of the Styria Police Department stated that extremist Muslims live in Graz, and that more are migrating to Graz. Other newspapers were very fast in also reporting on the interview, and blew it out of proportion; stating that Graz was becoming a Muslim stronghold (Strobl, 2013). According to the Human Rights Council in Graz this was simply incorrect. The pitfall is that it is very difficult to keep the people positive about human rights and the situation in Graz, as the media has a very strong voice and may take stories out of context. It should be noted that key actors need to deal with journalists with caution. Additionally, some consider limiting the freedom of speech of political parties through monitoring a negative aspect of becoming a HRC. However, the majority has accepted the policy change and there have not been any protests against it yet.

Graz has given itself several ten year goals (Schmiedel, 2013). One of them is that the administration will be more and more used to safeguard human rights.. Another goal is that NGOs will grow in strength. Additionally, marketing is very important and one of Graz's goals is to work together more closely with other cities. A positive side of this is that the projects will be cheaper, for one city's trial and error can be a lesson for other cities. Moreover, Graz serves as a role model for HRCs, and tries to help other cities attain the HRC status such as Bihac.

Even though both knowledge and awareness of human rights have increased amongst the citizens, a remaining issue is how to permanently implement human rights in a democracy. Graz has come a long way and made a lot of progress, but the process has not been entirely smooth (Strobl, 2013). Sometimes actors have had to take a step back, which is not an issue as long as the overall project makes progress and continues moving forward in the long run. Persistence has been crucial in the successes of the initiative.



## **Salzburg: Begging for Human Rights**

### **7. Local Context**

#### *7.1 Relevant History*

Although Salzburg is a small city compared to Graz, human rights are no less relevant there. Just across the border from Germany, Salzburg was a refugee camp during the Second World War, as well as during the Balkan Wars. Similiar to what happened in Graz during twentieth century, the presence of refugees stirred debate about discrimination and made the topic of human rights violations a concern in Salzburg.

#### *7.2 Local Characteristics*

After the Second World War, Salzburg had an indigenous population of approximately 80,000. There were approximately 60,000 refugees, including war prisoners, bombing raid refugees, and slave laborers all came to Salzburg (Waitzbauer, 2008). Up to this day, 22% of the people living in Salzburg (33,000 people) are non-Austrian citizens (Welcome to Salzburg, 2010). Integration gets a lot of attention from the municipality, particularly through the integration office. It can be really difficult for the office to work with different nationalities, however, as many municipal documents concerning integration are in German. (Döring & Czech, 2013).

Salzburg, like Graz, is a student city: it is home to almost 18,000 students who study at the University of Salzburg and at the University Mozarteum Salzburg (Salzburg, 2013). Courses in human rights are taught, however it is debatable whether students are involved in the human rights city program, since the involvement cannot be found.

Mozart was born in Salzburg in 1756 and his birthplace continues to be a popular attraction for tourists. Since 1920, the city has an annual Salzburg Festival linked to the old art history of the city, which aims to bring people of different backgrounds in art and ethnicity together (Lasinger, 2007).

#### *7.3 Administration*

The municipal council has forty members of different parties, chosen by the inhabitants of the city (Stadt Salzburg). The council

exists out of the following parties: the SPÖ has 15 seats, the ÖVP has 11 seats, the Bürgerliste has 7 seats, the FPÖ has 5 seats, and the Liste Tazl/BZÖ has 2 seats. The SPÖ, as the leading party, foresees the municipality from the mayor. The SPÖ has been the leading party since 1977 (Stadt-Salzburg). Heinz Schaden, member of the SPÖ, is the mayor of Salzburg and is now in his third period in office.

## 8. Motivations

### 8.1 Key Actors

The creation of the Round Table for Human Rights (*Die Runde Tische für Menschenrechten*) was one of the largest steps in Salzburg becoming a HRC (Döring & Czech, 2013). The Round Table consists of thirteen citizens and experts. The issues that the Round Table investigates are identified by the Platform of Human Rights. Once the human rights issues are identified, the Round Table investigates them further to discover whether it is a serious issue. If the Round Table finds that it is so, they provide recommendations, as well as concrete initiatives to the municipality (Mautner and Liebing, 2013). Moreover, the Human Rights Platform in Salzburg has also played a large role and it was the Platform that started coining the label of HRC in Salzburg. The Platform's networking with NGOs has been a major force in the Salzburg HRC initiative.

### 8.2 Core motivations

The roots of Salzburg becoming a HRC can be found in 1990: the year when the Salzburg municipality started networking with NGOs (Mautner & Liebing, 2013). The project was launched due to the impact of the 'Balkan refugee crisis', which caused many human rights violations in the city of Salzburg. In response to a rising Mulsim population, the FPÖ had started very aggressive racist and anti-immigrant advertisements in Salzburg during 1999, going so far to create a taboo book targeting specific groups (Döring & Czech, 2013). In order to put an end to the efforts of the FPÖ, NGOs united and attempted to increase awareness on human rights (Matuner & Liebing, 2013).

The attempt to protect human rights by NGOs began with a project of enforcing human rights in Salzburg, which set the stage

for Salzburg becoming a HRC. The human rights debate continued in 2006 and 2007, but this time the rights were identified as an issue with political grounds (Matuner & Liebing, 2013). There were several political parties that had an influence on the creation of SHRC. Firstly, the Grünen (left-wing political party) have been supportive of the HRC initiative from the beginning. Secondly, some members of the ÖVP are opposed to the project, but not openly (Mautner & Liebing, 2013). As discussed earlier, the ÖVP being against migrants and their aggressive campaigning was what triggered NGOs to enforce human rights in the city, hence this can be seen as a motivation. Today, human rights are invoked in political discussions and politicians even refer to human rights standards, which makes an important difference in the context of HRC. Through politics, human rights have become recognized and human rights issues were dealt with explicitly. In addition, the mayor of Salzburg is supportive of the human rights project, and was particularly supportive regarding the begging issue (Döring & Czech, 2013). Additionally, media pressure influences politics. The Platform for Human Rights attempts to react to political developments, yet simultaneously focus on other situations that require both attention and action.

City marketing was not the main reason for Salzburg becoming a HRC, however it did play a role (Döring & Czech, 2013). The title does not involve a lot of profit, but it does contribute as a positive label. As Dr. Czech states: “Mozart city. Cultural city. Human rights city. ... it was a deciding factor” (Czech, 2013).

### *8.3 Signing the European Charter for the Safeguarding of Human Rights in the City*

Salzburg was so involved in protecting human rights that it could not go back anymore without losing reputation (Mautner & Liebing, 2013) and thus in 2008, the city became a HRC by signing the European Charter for the Safeguarding of Human Rights in the City (Stadt Salzburg, 2013). Nevertheless, according to Ursula Liebing, the municipality was unaware of the implications of what exactly it was signing. This means that while officially becoming a HRC was not a long process for Salzburg, there has been a long process of figuring out what the title entails exactly (Mautner & Liebing, 2013).

## 9. Implementation

### *9.1 NGOs, the Round Table, and the Platform*

In contrast to many other HRCs, Salzburg has become a HRC through the bottom-up process. Citizens, who established a wide network of NGOs with different focuses, including women, children, and immigration and were willing to work together in order to combine efforts, ensured the establishment of the Platform for Human Rights. Over time, this Platform became a strong organization featuring thirty-four NGOs.

In 2011, the Round Table for Human Rights was founded. Made up of thirteen experts from different areas of civil society, academia, and practice who are active in the field of human rights, it is unpaid and they do this next to their own jobs. The Round Table works under the guidance of the Steering Committee, the Platform (Mautner & Liebing).

Any violations of human rights in the city perceived by the Platform, are put forward to the Round Table. The Round Table then starts an investigation to see whether human rights are violated and what can be done against it. In 2011 the municipality of Salzburg has recognized the Round Table, which made people aware that there are still problems concerning human rights (Runder Tisch Menschenrechte). On the other hand the recognition had a much deeper effect. The collaboration between the municipality and the Round Table can be seen as the next step taken by the HRC.

Citizens in turn can be of great help towards the Platform, by sending emails and calling to oppose problems that they see themselves. Due to this interconnection of the whole city problems are talked about and addressed more easily.

### *9.2 Mechanisms and Instruments*

Currently, the Platform is working on material that can be used in schools in order to teach children that a multicultural society is something that is beneficial for the city and inhabitants. According to Ursula Liebing, starting to create awareness of human rights at a young age is beneficial for the rest of a child's life. The Platform does not only work on education for young people, though. It also organizes workshops and start-up campaigns in order to create awareness within civil society. Lately, the police is also much more interested in human

rights, as the Platform gives them workshops on how to perform their jobs while upholding human rights. For instance, trainings are given on how to treat migrants without discriminating.

Every year, the Platform publishes a little booklet entitled the ‘Salzburger Menschenrechtsbericht’ (Human Rights Message Salzburg) with information on issues that were debated over that last year. Every chapter in the booklet starts with one or more articles from the UDHR.

Salzburg does not have a human rights office, but it does have an integration office set up by the municipality (Döring, 2013). The integration office functions as an organ to support intercultural dialogue and attempts to improve the integration of migrants. Mrs. Döring who, as explained before, works for both the integration office and holds a managing position at the Round Table, feels that she is able to improve the quality of living much better in this combination of positions than if she would have been part of the integration office only.

The Round Table works with a matrix<sup>10</sup> in order to divide its time as well as possible, since its members all work part-time. The matrix shows exactly on which target groups most time is spent. With this clear idea, the Round Table is able to prevent too much orientation toward one group. Whereas there are no clear results from this matrix up until now, the idea of this matrix is different from what other cities do and might be of help to other cities as well.

#### *9.4 Legal Action*

In 2012, the so-called ban on begging came into power in the province Salzburg, as well as in other provinces. This was not a national legislation since begging is regarded a security topic, hence it is regulated through provincial legislation.<sup>11</sup> The Round Table brought this case to the national court, and the law was found a violation of human rights (Salzburger Menschenrechtsbericht, 2012). Today, quiet begging is allowed, but other forms of begging have been banned. The issue with migrant beggars seems to be a European issue to which there is no escape. Both the pull-factor of attracting beggars

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10 In appendix 1 an example of this matrix, which Salzburg uses, can be found

11 B., Schmiedel (2012), ETC: *Human Dignity, Human Rights and Civil Society Commitment*. Graz.

to the city and the push-factor of getting beggars out of the city are difficult to control.

Although many people would argue that beggars do not bring any good to the city, under law these people do have as many rights as everybody else. During the winter season, Salzburg supplied the beggars with shelter. In the near future, the city is most probably going to supply the beggars with a place to sleep throughout the year. This will definitely lead to more beggars, but that should not prevent the city from providing the shelter (Mautner & Liebing, 2013).

### *9.5 Monitoring*

It is rather difficult to monitor the human rights violations in a city that is not able, or not willing, to spend money on monitoring. Yet, every year the Platform includes a table called the 'Monitoring of Human Rights' in the Human Rights Message, a booklet which focusses on human rights issues in the city. The table sets out human rights problems, looking at whether an issue was personally reported to the Platform and which human rights were potentially violated. The first page of the annual booklet contains a small field with the question to report every human rights infringement to the Platform, so that they can statistically work with this data (Plattform für Menschenrechte, 2003-2012). However, the Platform itself thinks that there are more infringements of human rights than they actually know about at the moment. Hence, the Platform hopes to work with the municipality even more closely, so that it becomes easier to access data on this topic.

### *9.6 Barriers*

Salzburg's HRC initiative faces budgetary issues. With a budget of only €50,000 a year, the Round Table has to organize workshops, educate people, and set up campaigns. NGOs are allowed to ask money from the municipality, and some are supported, but the Platform itself is not (Liebing & Mautner, 2013). It is difficult to organize big events to create awareness on human rights, or to monitor the progress of the city. The municipality pays the people working at the integration office, the one organization that comes closest to a human rights office. More money to keep the initiative moving would be much appreciated by the Round Table and other actors. With a political system where the far-right wing party is strong and not willing

to contribute money to the Round Table, the future of the Salzburg HRC initiative is not clear.

The integration office is actively dealing with the language barriers, however the office is not yet sufficiently successful in this. In order to fully integrate into the society, one needs to speak German fluently. Of course this is a huge barrier for migrants who do not speak any German at all. It is hard for these people to defend their rights.

## **10. Implications**

The greatest positive impact of becoming a HRC in Salzburg has been the spreading of awareness of human rights within civil society. The Round Table has organized workshops about begging, discrimination, as well as inter-religious cooperation and annual dialogue workshops. There are also closed workshops for specific groups as the police, health workers and those working with prostitutes in order to create more awareness (Mautner and Liebing, 2013). These workshops help people realize what their human rights are and – in the case of state officials – what human rights they should respect.

A barrier in for the Salzburg HRC initiative is the lack of financial support of the municipality. The integration office, which is the only institution that comes closest to a human rights bureau, funds human rights projects with about €5,000 per year. The Round Table has a budget of annually €50,000. In order to properly implement human rights and make the HRC work, more financial support is needed from the municipality.

Another obstacle for Salzburg has been the European Charter for the Safeguarding of Human Rights in the City. The issue at hand is that the European Charter for the Safeguarding of Human Rights in the City basically adopts the ECHR, which is quite broad in its scope, making it very difficult to implement concrete ideas. In addition, if human rights are addressed more specifically in legislation, the more clear it would become to the municipality that a larger budget is needed (Mautner & Liebing, 2013).

Moreover, there is a lack of overall support from the municipality. The Round Table provides recommendations and points for improvement to the municipality, however these points are at times disregarded (Döring & Czech, 2013). For the Salzburg's initiatives to succeed, the municipality needs to support the project further.

A risk of the project is that there might be too much of a focus on certain groups (Döring & Czech, 2013). However, measures are

already in place in order to prevent this from happening: a matrix is used to eliminate too much of a focus on particular groups (municipality Salzburg, n.d.). A broad spectrum is sought, yet there are still many citizens who are unaware of their human rights and many people do not recognize that human rights are universal rights (Döring & Czech, 2013).

Since the Platform for Human Rights came into existence, human rights are discussed more explicitly. The Round Table has attempted to develop a reaction to human rights and they have tried to keep it relevant for the people so that it does not lose its local significance (Mautner & Liebing, 2013). The Round Table attempts this by organizing various workshops on different topics.

## **5. General Conclusion**

Even though Graz and Salzburg share national context, they have taken different approaches to become HRCs. Graz has exercised a combination of a bottom-up and top-down approach because, as Max Aufischer says, the municipality cannot do anything without support of the citizens, whereas the citizens cannot do much without the support of the municipality (2013). This unique approach has been found to be very effective, as both parties are active and willing to safeguard human rights.

Salzburg, on the other hand, has taken more of a bottom-up approach. Much of its initiative stems from NGOs whose aim is to protect the rights of migrants. The bottom-up approach in Salzburg is quite unstructured and hence difficult to be supported by the municipality. Having the NGOs working together in the platform supported the group to become more structured, however, it is still a difficulty. The negative effects of the city signing the European Charter for the Safeguarding of Human Rights in the City and becoming a HRC without much interest are still noticeable, as there is little cooperation with the municipality and a lack of financial support. Moreover, the implementing of human rights and measures in order to enforce human rights are underestimated by the municipality. It requires the municipality to actively engage in existing problems. Signing the European Charter for the Safeguarding of Human Rights in the City can be done by every city, without thinking about the future. This kind of 'unclear vehicle' in which the municipality stepped now gives the city the label HRC, but the added value is not clear. All in all, the



cases of Graz and Salzburg show that a bottom-up as well as a top-down approach is a necessity in order to successfully become a HRC.

The PDHRE, with its methodology, seems to be a more effective step in becoming a HRC, although it does at times have an adversarial old-fashioned civil society against the government approach (Starl, 2013). In Salzburg, it was found that signing the European Charter for the Safeguarding of Human Rights in the City was not as effective as signing the PDHRE had been for Graz. This is most likely due to the lack of guidelines in how to implement human rights of the European Charter for the Safeguarding of Human Rights in the City, whereas there are a set of guidelines specifically regarding stakeholder investment in the PDHRE.

It can be useful to think of the HRC title as a kind of working title, something to work toward, something that puts people into motion (Grabovac, 2013). As has been discussed, the implementation mechanisms of a HRC should involve a degree of vernacularization that urges the development of a human rights culture through making local rights relevant. Institutionalization, a valuable component of progression in a HRC, can be achieved through consistent efforts of communicating with public officials. In addition, there is tremendous significance in leveraging international networks—tying the city with international organizations. The HRC of Graz should be viewed as a role model for future HRCs.

[illegible]

Nomaden												
Wohnungslose												
Betroffene von Men- schenhandel												
Betroffene von Arbe- itsausbeutung												
Alleinerziehende												
Asylsuchende												
Menschen in Schub- haft												
Arbeitssuchende												
Bettelnde Menschen												
Chronisch erkrankte Menschen												
SexarbeiterInnen												
Bildungsbenach- teiligte												
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# Nantes: When the Glamour of City Marketing Clouds the Human Rights Goals

## 1. Introduction

In the last decades France has become an increasingly decentralized state. In the 1980s, the central government lost their power to annul regional decisions and thus the regional governments were granted more power in fields such as social policy, education, environmental planning, culture and economics (Verhoeven, 2010). Furthermore, in another reform between 2003 and 2004 these decentralized systems were given constitutional protection, and the French Constitution now ensures that territorial communities can in fact exist and fully function in France, often in the forms of Communes, Régions and Départements (Verhoeven, 2010). Nantes is an example of such a territorial community that has taken certain initiatives into their own hands as they are both the capital of the Loire-Atlantique department as well as of the Pays de la Loire region. Although these communities now hold much more independent power from the central government, they are still under supervision of prefects, and they in turn have the power to “control the legality of acts of local authorities”, although these prefects do not have the authority to annul an act themselves as they then need to turn to an independent court to do so (Verhoeven, 2010). Thus, the administrative authorities in France are to some extent quite autonomous in making their own decisions and, thus, implementing their own human rights initiatives separate from central state control. As such, Nantes is an example of a French municipality which decided to take several of these policy areas into their own hands and implement a human rights approach within this. France has a monist constitutional dispensation, and therefore adheres to the rule that the domestic legal system will always need to conform to the rules and requirements of international law. Therefore, Nantes was able to initiate their own human rights project, as is required of local governments under the Constanzo obligation if they feel that their central government is lacking in these approaches (Verhoeven, 2010).

Nantes has a leftist political color, and has been run for many years by the socialist party (Parti Socialiste). This coincides with the tendency that cities opting to become a human rights city are often much more socialist and progressive in nature. Thus, it is only logical that Nantes focusses on social inclusion and immigration as their human rights issues. In Nantes, the human rights at stake specifically are the social inclusion of migrants and handicapped people, as well as focusing on a greener environment within the city and its surroundings. The main driving force behind the human rights city project from within the municipality is the Equality, Integration and Citizenship department that is steered by the municipally elected Mrs. Bouffenie. This department was created mainly as a result from the human rights initiative of the city, and creates the most projects that Nantes as a human rights city focusses on, and from which the necessary policies are created. The only other department that was created is the department of Mrs. Choquet, namely the Nantes Committee for Disabled People, a sub-department of the social inclusion department of the municipality that focusses on their “mission handicap”, an effort to integrate and make life easier for handicapped people in Nantes (Choquet, 2013). Besides these two departments, there is no single human rights department in the Nantes municipality and all the human rights efforts resound from these two municipality officials. Thus, the interviewers that went to Nantes spoke to both these municipality officials, as well as Mr. Rigollier who works with Mrs. Bouffenie on the integration project of migrants in Nantes. Furthermore, the other main driving force behind the human rights project of Nantes is the Permanent International Secretary for Human Rights and Local Governments (SPIDH), an NGO located in Nantes that works as an intermediary between the municipality and other local and international NGOs, where several employees were also interviewed about the human rights effort of the city of Nantes.

Prior research in existing literature revealed little as to the results of Nantes’ human rights project, and thus the collecting of results was a main priority of the interviewers<sup>1</sup>. However, after having analyzed the interview data it became clear that there are not very many results

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1 Various sources were consulted. Both pre-existing literature on human rights cities with Nantes as an example, as well as actual municipal documents were looked at, such as budget publications and policy documents. The full list of literature and references can be found at the end of the chapter.

to show and the question was raised to what extent being a human rights city is only used as a marketing label for Nantes, or whether their efforts are actually part of a serious initiative to make local policies more focused on human rights. Thus, this chapter will first look at the history of Nantes, outlining the origins and motivations of Nantes to become a human rights city, as well as a further look into their policies related to their human rights project. Then, the budget will be looked at in terms of whether this supports the city marketing hypothesis. Lastly, the chapter will look at whether Nantes is indeed still a viable human rights city or whether their initiative is starting to crumble. Also, it must be noted that there is a crucial difference between a city that, despite city marketing goals, still achieves viable results on the human rights front, and a city that does not achieve any results whatsoever. In the case of Nantes it is difficult to say as the distinction is still difficult to make, and only time will tell as to which side Nantes will sway to. Nantes exemplifies a city that was very enthusiastic to delve deeper into the human rights city idea and, like Barcelona, try to create her own sub-network of human rights. However, contrary to Barcelona, their seemingly city marketing motivational factors might be outweighing the human rights goal of the project. Thus, this chapter aims to look at how strong these city marketing goals are when compared to the human rights results, and to what extent the city marketing aspect interferes with Nantes as a human rights city.

## **2. The Background: History and Motivations of Nantes becoming a Human Rights City**

In order to answer the question of what fostered the human rights initiative in Nantes it is important to first take a look at its history, since the developments from the past have played a significant role. Two major historical developments form the cornerstone of Nantes' human rights initiative, namely their colonial period and the Edict of Nantes. During the 18th century Nantes had become France's largest slave port in order to compete with the other European colonizers (Bouffénie, 2013). It was not until 1848 that slavery was abolished and, like so many other European nations, Nantes and its population tried to move on and forget about the human degrading treatment that had systematically taken place in the city (Bouffénie, 2013) This changed, however, in the late 20th century when the city council and the inhabitants sought to come to terms with its darker history

and an exhibition was created in order to remember and repent its former traditions, and it has become a permanent attraction across the water front in order that this is never forgotten (Bouffénie, 2013).

Furthermore, Nantes strongly identifies itself as a human rights city due to the creation of the Edict of Nantes. The edict, which was signed and ratified in 1598, ended the religious wars between the Protestants and Catholics, and this is seen as the first codification of the freedom of religion and belief in France (Bouffénie, 2013). The Edict of Nantes is seen as a major example from the past that deals with a human right in Nantes, as well as the influence they had on the country in its entirety. These two elements in the city's history both played an important role in prompting Nantes to shift its focus towards human rights.

### *2.1 The Procedures*

Nantes started its human rights initiative in 2001, when the municipality formed the Equality, Integration and Citizenship department which was meant to implement policies that could uphold human rights (Bouffénie, 2013). Furthermore, the municipality set up several advisory committees that were especially set up for migrants and other foreigners in order to advise them with regards to housing, education and medical insurance, which was then to be rerouted and split between the Equality, Integration and Citizenship department, the Mission Handicap department of Mrs. Choquet of the Social Inclusion division, and other minor departments that would be pulled into project by the latter two (Bouffénie, 2013). These developments formed part of the first phase of Nantes becoming a human rights city, during which the focus was on policies dealing with anti-discrimination as well as the practices of these issues. The municipality tried to work within these social groups in order to promote and implement equal treatment among the entire population, with a special focus on those parts of the city where it was needed most (Bouffénie, 2013).

The explicit outreach towards certain parts of the city can be seen as an endeavor to reach the local population. In going out on the streets Nantes has tried to take the policy making a step further, as opposed to other French cities, such as Paris, Lyon, Strasbourg or Grenoble, where the city councils are mainly engaged in implementing equal treatment through the adoption of one large policy. Not only were foreigners and migrants being met in their needs by codes of anti-discrimination, they were also included into other human rights



efforts, which resulted, for example, in the policies securing social inclusion (Bouffenie, 2013).

The second phase of Nantes' human rights initiative was in 2005, during which La Ville de Nantes, Nantes Métropole, the international permanent secretary of human rights (SPIDH) and UNESCO co-operated in order to create the first World Forum on Human Rights and prepared Nantes to serve as a host for this international event (Bouffenie, 2013). During this process, the United Cities and Local Governments (UCLG), which is an organization that embodies local governments in the international community, took the initiative for the establishment of a Charter (UCLG, 2013). This charter, *Charte-Agenda Mondiale des Droits de l'Homme dans la Cité*, consists of principles that are based on human rights in order to create responsibility for the local institutions for 'a better life together' (SPIDH, 2013, *Charte-Agenda Mondiale*). These principles come down to citizenship, sustainability and democracy and civic participation (SPIDH 2013, *Les Raisons du Projet*). By means of this instrument, city councils can observe and control of what has been carried out and to what extent their goals have been achieved (Bouffenie, 2013). The Charter was composed not only for Nantes, but for all the cities in the department of Pays de la Loire, with the hope that it will eventually be used by other human right cities throughout the world (Bouffenie, 2013).

## 2.2 *The Motivations and the Resulting Policy Achievements*

Besides the historical significance of Nantes, the main ambition to become a human rights city stemmed from a desire to stimulate social inclusion of two groups in society; namely, people with a disability, and foreigners and migrants. The municipality strives to achieve equal rights and opportunities to both of these groups by implementing policy documents that have been created especially for them (Choquet, 2013). Additionally, special guides have been created to promote accessibility for disabled people to public spaces, called 'Guide d'Accessibilité de la Personne Handicapée' (Choquet, 2013). Mrs. Choquet's department was set up for these handicap-oriented projects, and considers it important that people with a disability are given special attention in order to include them into society as most "people are scared of disability and so they tend to push [disabled people] away from society, but we should be doing exactly the opposite" (Choquet, 2013).

Two main values underlie the policies directed towards people with a disability: autonomy and equal opportunities. Autonomy is a crucial point in their policies, since the department argues that when an individual in society does not have autonomy, he or she will automatically be excluded from society (Choquet, 2013). One specific disability project consists of making public transport and areas such as shops and libraries accessible to disabled people (Choquet, 2013). Next to that, social inclusion is being promoted by letting babies and children with a disability join and participate in the regular daycares and schools (Bouffenie, 2013). Thus, social exclusion is fought and attempts are made to ensure the autonomy of people with a disability. Also, a Charter on housing access, 'Charte d'Acces de Logement', is in the process of being created, which seeks to provide people that have a disability or reduced mobility with the opportunity of receiving housing that meets their specific needs (Choquet, 2013). Furthermore, this Charter will also reach out to provide them with financial aids in order to simplify their lives in everyday society without having to cope with the often enormous financial burdens that come paired with being disabled, thus ensuring that they are given equal opportunities in trying to function normally within society, without having to carry any extra burdens beside their handicaps (Choquet, 2013).

Social inclusion is also the main aim in policies formulated in respect to migrants and foreigners, as the municipality deems the chance that they are excluded from society higher than where it concerns citizens who have their origins in the city. Active participation in civil society is regarded to be an important element as this is vital in ensuring that this group will be included in the everyday business of the city (Rigollier, 2013). The department of Equality and Non-Discrimination works hard on the promoting and protecting of migrant rights and is currently in the process of establishing a four-step action plan in order to reduce difficulties in the integration of migrants (Rigollier, 2013). First of all, the plan is to establish an effective cooperation between the migrants and the political bodies in order for their complaints and opinions to be heard and taken seriously (Rigollier, 2013). As an intermediary step, the department decided to talk to elderly migrants who came to the city at least three decades ago in order to find out what their difficulties were integrating into the Nantes society, and to then learn and adapt from these issues (Rigollier, 2013). In the third step, the department puts itself 'in the shoes' of the migrants in order to adapt the policies to the migrants' expectations (Rigollier, 2013). It does this by focusing on how

the common rights of all the people could be fused or adapted to the foreigners' expectations and perceptions of what common rights are, especially in comparison to the culture the migrants are used to. An example was mentioned by Mr. Rigollier, who explained the issue of religious rituals and to what extent these should be integrated into the daily life of the population of Nantes, but there is 'still no answer to this question, since the opinions on it vary starkly' (2013). The fourth and final step is the adoption of the 'Label Diversité' that took place in 2012 and focuses on equal treatment and non-discrimination of migrants by the promotion of being a diverse city (Rigollier, 2013).

Finally, the last reason for Nantes to have endeavored into the human rights project was to create her own international human rights network as can be seen in the creation of the Charter 'Charte-Agenda Mondiale des Droits de l'Homme dans la Cité', which also has the function to lead other human rights cities (Bouffénie, 2013). The Charter mentions in its preamble that all beings have human rights as recognized by the Universal Declaration of Human Rights and other international treaties, such as the Vienna Conventions, and it takes the objective to 'promote and reinforce human rights of all the inhabitants of all the cities around the world' (SPIDH, 2013, Charte-Agenda Mondiale).

### *2.3 The Driving Forces*

The process of Nantes becoming a human rights city has been characterized by several important local and international driving forces, which are the municipality and NGO's, such as SPIDH and UCLG (United Cities and Local Governments), the 'Global Network of Cities, Local and Regional Governments' (UCLG). As explained above, the municipality has taken many initiatives concerning the policy making and implementation of human rights. Different departments and the individual civil servants working there have ensured that Nantes laid its focus on implementing human rights at the local level. The Departments are composed of the 'élus' (elected), who are responsible for the implementation of policy documents. These departments together form the 'Community Council', which consists of 113 elected persons (Les Élus, 2013). The municipality also takes on specific approaches; these coincide with the urban issues that will be discussed hereafter, such as the policies regarding transport for people with a disability and the development of the city, as a green capital. Within the municipality, Mrs. Bouffénie and her department

of Equality, Integration and Citizenship has been the main driving force behind the human rights initiative.

The SPIDH has been the main driving force behind the establishment of the World Forum hosted by Nantes every two years. This organization draws together human rights actors from the international, national, and local level. It still functions as such, and endeavors to ensure the enforcement of regional made policies in the local communities (Barrau, 2013). In the process of the World Forum, the university and a group of lawyers were also involved (Barrau, 2013). Next to this, the UCLG as an international network is a driving force, as mentioned above, in spreading the message that the local authorities should take the responsibility in the implementation and application of human rights. This organization tries to ensure that the local organizations do not forget about the duty and capacity they have in realizing the plans that Nantes as a human rights city has (Bouffenie, 2012). All in all, the main driving forces are Mrs. Bouffenie and her department of Equality, Integration and Citizenship, as well as the SPIDH together with the urgings of the UCLG.

### **3. The Human Rights City Label: A Marketing Instrument?**

Literature on Nantes gives the impression that the human rights efforts of the city are not only geared towards an internal, but more explicitly for an external audience. For the past ten years, Nantes has put heavy emphasis on their World Forum, which it hosted four times thus far. As results on what the city had actually achieved besides organizing the forum, however, received little attention in the literature, the impression arose that Nantes' human rights initiative was not as successful as they themselves publicized, and thus the idea of city marketing was brought prominently to the foreground. City marketing is the concept where cities start to focus on establishing themselves as brands in order to distinguish their city from other cities surrounding them as a means of competition (Zenker & Martin, 2011). As a result, cities invest money into their marketing activities (Zenker & Martin, 2011). In the case of Nantes, it seemed that Nantes was using their Human Rights City label for city marketing purposes. Thus, the section below will look at the budget of Nantes as a means to compare Nantes' ambitions as a human rights city and what they actually have already achieved with the actual budget of the city. By looking at the budget of the city, it is possible to assess whether Nantes did actually put in a tangible effort to realize human rights in its city.

### *3.1 The Budget*

It was not possible to find the allotted budget for the human rights project in the municipality's published budgets of the past years. When asked about the budget of all the actors involved in the human rights project, the only possible conclusion was that there is no budget for the human rights project of Nantes. Mrs. Choquet's Social Inclusion department has the extremely limited budget of €85.000 of which small parts are allotted to the individual projects they want to tackle every year (Choquet, 2013). However, the few handicap-accessible trams they purchased already cost €600.000, and the repaving of key streets in the city center cost €300.000, both exceeding the municipal budget allotted to the department per year by far (Choquet, 2013). Mrs. Choquet explained that "outside actors needed to be approached to fund the projects, and often Nantes Métropole jumps in to help with funding as well" (Choquet, 2013). Thus, a lot of the money for the human rights projects needs to be collected together by approaching all types of different actors that might hold an interest or might benefit from the project the departments are tackling at that moment in time.

Mrs. Choquet's department was one of the few departments that was created as a result of the human rights initiative of the city, thus specializing only in Nantes' social inclusion policies, and is therefore a nice starting point to further analyze their budget with regards to Nantes' human right initiative. For example, when road works are being done, the pavements will always be adapted to making it easier for wheelchairs to maneuver across and onto them, whether or not this was the original state of the pavement before the road works or not (Choquet, 2013). Also, Mrs. Choquet's department invested together with Nantes Métropole in buying trams and busses that are easily accessible for people in wheelchairs, and they want to progressively replace all the regular trams and buses with these easily accessible alternatives (Choquet, 2013). A future project that the department of Social Inclusion is aiming for is to put up city maps in braille, so that visually impaired people can find their way around in an easier fashion, especially when they are not familiar with the surroundings (Choquet, 2013). However, the department tries to ensure that the projects they invest in are also beneficial for the rest of the population as well, and are thus also often presented as such. In the local touristic hotspot, Le Château des Ducs de Bretagne, a glass elevator was installed so that physically handicapped people could explore more

than simply the ground floor of the castle when visiting it (Choquet, 2013). But the elevator also aids the elderly who are not as mobile anymore on stairs, people with strollers or young children, or simply people who do not want to walk all the way up the narrow staircases, and thus it is beneficial to all who visit the castle. Although these are all noteworthy projects, the human rights approach seems lacking, and the projects are given a human rights spin to look to appeal more to the civil society.

The same applies to the Department of Equality, Integration and Citizenship, the main driving force behind the human rights initiative. According to their city councilor, she refused to be delegated a budget for a number of reasons (Bouffenie, 2013). First of all, if she would receive a budget, it would be so small that the department could not achieve more than three minor goals or project a year (Bouffenie, 2013). Ms. Bouffenie argued that by not having received a budget, she can instead go straight to different yet relevant departments regarding project ideas, and thus tries to convince these other departments with bigger budgets to invest in her projects (Bouffenie, 2013). If in agreement, these other departments will then invest in her projects and thus more goals could be achieved annually (Bouffenie, 2013). Mrs. Choquet gave us similar arguments, stating that by getting other departments involved, the human rights initiative will spread throughout the municipality, getting as many actors involved as possible (Choquet, 2013).

Although the reasoning behind this is sound, the current economic situation raised some questions as to whether all these other departments had so much room in their budgets to accommodate the human rights projects. Even though plans were often laid down in folders concerning current and future human rights projects, unfortunately there was little evidence of tangible results. The municipality does, however, “hire designers for the flyers” and that a lot of time and energy goes into making them (Rigollier, 2013). However, when the interviewers asked where the municipality’s target groups could actually find these folders which, for example, outline the one-year step plan that migrants follow when they come to Nantes to help them integrate into society the answers given were not informative. The results as to whether this one year plan actually works were not available. Nor are most of these folders available outside the municipality building and the municipality employees also could not tell the interviewers where these folders were accessible for the public besides that they did say that they handed them out at relevant areas of town

(Rigollier, 2013). When the municipality employees were asked if they thought whether the folders could be linked to Nantes' city marketing reputation most people disagreed with this conclusion. Mrs. Choquet stated that "projects such as the accessibility and social inclusion of people with a disability do not contribute to cities that wish to market themselves, as projects involving handicapped people are not part of a political game, nor do they have any economic benefits for the city" (Choquet, 2013). However, it must be noted that city marketing gains are not always financial in nature, as inter-city competition forces cities to stand out from each other, as an increased reputation will always benefit a city even if there are no economic benefits in the short-term (Zenker & Martin, 2011). Moreover, the municipality is still investing, not only a limited budget, but also the hard work of their employees in the Social Inclusion department, as well as of the department for Equality, Integration and Citizenship into the human rights project of Nantes. Also, whether the economic funding for these projects comes from the municipality and their human rights involved departments or not, a city would not invest time and effort in projects such as these if there are no long-term benefits for the city. The handicap mission is still very much publicized and thus it seems to be an example of city marketing, as it will attract more handicapped people to Nantes, and they will contribute to society, as they will on the one hand bring an economic value as they will pay taxes and use the city amenities, as well as that they will contribute to the image of Nantes' social inclusion initiatives as the increase of handicapped people moving to Nantes can then in turn be publicized as a result of their efforts to include these people more in everyday society. However, credit must still be given to the city of Nantes as even though marketing motivators seem to be central in their human rights approach, the municipality and the other involved actors are still presenting results of their projects, minimal as they might seem. It must be emphasized that there is a crucial difference between a city that market themselves as inclusive and in the end can actually present some results, rather than a city that promotes inclusivity and does not achieve anything. In the case of Nantes, it is unclear whether the limited results they have achieved are enough to set them apart from the latter group, and thus it is important to continue with a deeper look into the role of NGO's in Nantes' human rights project, in order to see whether Nantes is truly a human rights city or whether the motivations are solely for the benefit of the municipality.



### 3.2 *The Efforts of the SPIDH*

In assessing the degree to which Nantes seriously implements the notion of being a human rights city via its municipal finances, it is interesting to also look at the efforts of the Secrétariat Permanent International Droits de l'Homme et Gouvernements Locaux (SPIDH), the main NGO in Nantes in its human rights initiative. The SPIDH operates as an intermediary between Nantes and its surrounding municipalities and other human rights actors both in and outside of France that are interested in furthering the human rights project in the city of Nantes. However, despite all its efforts, the SPIDH seems to be becoming more insignificant every year. It is striking for a city that was always so invested in promoting their Forum, its main driving force, the SPIDH, is receiving increasingly less financing every year and their budget has been reduced immensely (SPIDH employee, 2013). At this moment, the UCLG and the Congress of Europe seem to be the only external parties that are financing the SPIDH, in the hopes that Nantes will pick up its human rights initiative (SPIDH employee, 2013). The elected municipal officials create the budget for the SPIDH every year, and thus it is ironic that a city interested in promoting human rights and establishing these into their daily affairs has decreased the budget of such a key player in the realization and implementation of both the entire project as well as the rights they are aiming to promote.

At the end of the day the human rights city approach is still very much a political one as the municipality is always the one that chooses to opt to become a human rights city, and thus the SPIDH is trapped in the midst of a political process. An NGO like this only achieves so much without the (financial) support of the city and its municipality. With the cutting of the finances of the SPIDH no new projects can nor will be started as it is no longer feasible or possible (SPIDH employee, 2013). The 2010 forum had also been announced as the final one due to budget cuts; however, in the end another one was pushed through, most likely for city marketing motives (SPIDH employee, 2013). For example, the publicity for the forum is always very similar to that of a regular festival, and they have noticed over the years that people always ask the SPIDH why there are never any celebrities present at these forums (SPIDH employee, 2013). This, however, is not the goal that the SPIDH wishes to aim for with the Forum, as the point of the forum is to invite people to speak who have actually done something in the human rights field that is important or relevant to the cause



(SPIDH employee, 2013). The Forum is held approximately every other year, and includes a range of events. Among others, the Forum hosts guest speakers that are invited to talk about topics that are related to that year's theme. For example, the first year of the Forum the theme was the freedom of religion, and thus set the tone for the activities (SPIDH, 2013). Speakers of all religions were invited, but also speakers that were not of a particular religion, and talked about how all these different opinions should be able to live harmoniously and peacefully together (SPIDH employee, 2013). Besides inviting guest speakers, the Forum also involves performances by local dance groups that feel affiliated to the human rights approach and even small band performances.

The budget of the Forum is extremely limited for an event of such gravity: the SPIDH receives €600.000 for the entire project (SPIDH employee, 2013). Also, the SPIDH does not make money out of the Forum as it is always "free for all, and they have never paid anyone to come speak at the forum" (SPIDH employee, 2013). Most of the people that are attracted to the Forum are people of African descent, especially from former French colonies, as the human rights approach is something they are interested in and have a stake in it, and according to the SPIDH employee "it is these people that believe in the importance of human rights that keep the initiative alive and going, even if the dynamic Nantes had regarding their human rights city idea has almost completely disappeared" (SPIDH employee, 2013). This chronology is mainly seen in how the SPIDH has been reduced in size, how their budget has been reduced steadily over the years, how the Forum, which was once so central to Nantes for their human rights promotion, is slowly coming to an end, and how the projects of the municipality are becoming less focused on human rights, and the projects that are still executed are very often in the benefit of the municipality. Although Nantes is putting effort into their human rights project, it seems to be for mainly city marketing incentives. The only question that remains is whether this should be viewed as something negative or if it should simply be accepted as a valid motivation as, at the end of the day, they are still engaging in projects to make life easier for certain groups of people in their city.

#### **4. From the HRC network to the UCLG network**

If Nantes was once part of the People's movement for Human Rights Education (PDHRE) network, it seems that Nantes has cur-

rently taken a step back from this position. Indeed, when mentioning the PDHRE network to the city councilor for Equality, Integration and Citizenship, Mrs. Bouffénie, she informed us this network was an ‘anglophonique’ initiative, and that furthermore, the city of Nantes did not want to be associated with this network but rather with the ‘inclusive city’ label (Bouffénie, 2013). Mrs. Bouffénie was not the only one to reject the Human Rights City label. Most of the interviewees in our research clearly stated that Nantes was no longer part of PDHRE network and could thus not be labeled as a Human Rights City. The most striking is that some of the interviewees seemed confused when the Human Rights City concept was mentioned. This confusion was explained by the fact that the Human Rights City label was not the driving force behind the human rights initiatives in Nantes. Indeed, the United Cities and local Government (UCLG) network seems to be the driving force behind all initiatives regarding Human Rights in the city of Nantes. This network is the result of the merging of different local organizations, such as the United Towns Organization and the International Union of Local Authorities. The city of Nantes and the UCLG closely work together on passing on the message that localities are the driving forces behind the implementations and the application of human rights. Even though the city of Nantes seems to be closely related to the UCLG, Nantes has other plans for the future. Instead, the city of Nantes, inspired by the city of Barcelona, is trying to develop its own network.

#### *4.1 An Independent Initiative*

Nantes is currently working on its own project of ‘inclusive city’. Instead, the city of Nantes does not want to follow the European standards of what a Human Rights City should be or should focus on. One of the main reasons is because associating themselves with the Human Rights City label would mean that Nantes would have to live up to the standards of the PDHRE network. Indeed, the PDHRE network clearly states that the “**PDHRE** is recognized all over the world in its commitment to have human rights a way of life, defining human rights in a new, positive and proactive way, towards the full realization of human rights for all” (PDHRE, 2013). Thus, if the city of Nantes fails at this task, the city would be pointed out as a city, which is failing at respecting human rights initiatives. Therefore, Nantes does not want to be pressured to follow standards or guidelines that are not set as priorities by the city of Nantes. This is

why Nantes has now drafted their own charter and is now organizing the human rights project according to the standards set by the city of Nantes (Bouffenie, 2013). Furthermore, Mrs. Bouffenie from the city of Nantes states that the creation of a new charter is not motivated by city marketing or good image, but by the idea that this new charter could become a skeleton to reintegrate public politics back into the society (Bouffenie, 2013).

Nantes is mainly inspired by the work that has been done in Barcelona for quite some time. Similarly, the city of Barcelona has been working together with its surrounding suburbs, cities and towns in the region of Cataluña on their own human rights approach, an approach that would fit the needs of that region better than the standards set by a larger PDHRE network. Nantes also wants to set standards that would fit best its city and surroundings and moreover, standards with which other French cities could relate (Bouffenie, 2013). Nantes is interested in becoming a model for other cities to follow. According to the interviews that were conducted in Nantes, it seems that a charter created by the city of Nantes would be used to keep track of what has been achieved in the line of human rights initiatives (Bouffenie, 2013). Furthermore, this charter would keep track of what has been achieved so far by the city of Nantes, and what remains to be done (Bouffenie, 2013). The details of such a charter remain unclear and difficult to grasp. According to the city of Nantes, creating such a charter would allow other cities to learn from it and potentially follow the initiatives that have been set by the city of Nantes and this seems very promising and could in the future set French standards for human rights initiatives in all French cities (Bouffenie, 2013). However the reality of this project is very much different. The charter has been put under a pile of other initiatives and dossiers by the council of the municipality. The charter still needs to be signed and ratified before the fifth Human Rights forum that Nantes will be hosting in May 2013. Representatives and workers from the SPIDH are quite pessimistic as to whether or not the charter will actually be signed before the opening of the forum (SPIDH employee, 2013). The signature of the charter as well as its ratification is very important as it could bring and added value to the forum. The charter, if signed, will be presented during the international forum of Human Rights and thus portray Nantes as an innovative city regarding the human rights approach. Moreover, the forum could be a launching pad for other cities that would be willing to join the network that Nantes is trying to establish (SPIDH employee, 2013). This new charter not

only is an innovative set of standards and guidelines for human rights initiatives, it is also a test to see if the municipality still invests in the human rights approach and thus if non-governmental organizations such as the SPIDH can keep on counting on the support of the municipality to portray and establish Nantes as a city invested in human rights (SPIDH employee, 2013). Whilst conducting the research in the city of Nantes, it became clear that Nantes setting human rights as a priority was highly arguable. Even though members of the municipally fully support the human rights initiatives, the bureaucracy of the municipality of Nantes does not seem as enthusiastic.

## **5. The Rise of a Technocratic Dominance**

A phenomenon of technocratic dominance has been established in Nantes regarding the human rights approach. This concept of technocratic dominance is illustrated by the fact that many councilors and officials of the municipality of Nantes are invested in the human rights project and are also convinced of the relevance of ideas and initiatives proposed by the SPIDH and other non-governmental organizations, however it is the administrative part of the municipality that holds the most power and thus has the final say regarding any type of decision (SPIDH employee, 2013). The administration of the municipality, according to an NGO representative, is the main force of opposition to the human rights approach established by Nantes since 2001 (SPIDH employee, 2013). Because of this opposition, some municipal councilors no longer accept proposals regarding human rights initiatives even though there are financial means for certain human rights projects proposed by the SPIDH and other non-governmental organizations. It is often not clear as why the administrative bodies of the municipality of Nantes decide to block human rights initiatives and proposals. An assumption could be that by blocking projects or refusing to sign official documents, the administrative bodies of the municipality of Nantes ensures that the blame will not be put on them if human rights violations occur as they distance themselves from any human rights initiatives which are not theirs. Whenever the administrative bodies reject a proposal, non-governmental organizations are well aware of the fact that this means it is the end of the project. Thus, it is becoming very difficult for non-governmental organizations to push human rights documents and dossiers through the administration of the municipality of Nantes; it is even more dif-

ficult because only non-governmental organizations are the driving forces of the human rights approach in Nantes.

The local population could be a great help for non-governmental organizations in order to strengthen the human rights approach, yet the local population is of no help as they are not interested in the matter or most of the time they are not aware of what is happening in their city, or what the ideas and policies of the Nantes municipality in fact are. This might be the result of the lack of human rights education in Nantes. Thus, as long as the municipal administration will have the final say and will be the main source of opposition to the human rights approach, Nantes will struggle to stand out as a city invested in the human rights approach.

## **6. Conclusion: The End of Nantes as a Human Rights City?**

In 2001, Nantes was very much inclined to present itself as a human rights city. However, as time passed by the enthusiasm has diminished and the Human Rights label is no longer a priority. The municipality of Nantes currently invests their available money and attracts other interested actors to spend their resources on social inclusion projects and to develop their label of being an ‘inclusive city’; their focus seems very much city marketing oriented. Indeed, whilst conducting the research, the few results and outcomes that were presented seem to be insufficient. Even though many flyers, booklets and pamphlets are created regularly, they are not easily accessible and when they are, the language barrier makes it difficult for immigrants to read them. Furthermore, most of these documents are written in French and very few are starting to be translated in English. However, if the immigrants speak neither English nor French, they will have a hard time finding a place to sleep since the only kind of help that seems to be provided by the municipality is through these documents. Another striking way to promote social inclusion is that all these documents can only be found in the city hall and the access to the city hall is very restricted and securitized, which constitutes another barrier for people to get the information they need. The city of Nantes appears like a city with a strong human rights concept, however, when taking a closer look to the plans proposed by the city of Nantes, there are no concrete plans or projects that seems to be viable, nor do the results level up to what the city promotes itself to be. The human rights approach of the city of Nantes is based upon many plans and initiatives that are not finalized. Even though there is a significant will to

implement and apply the human rights approach in the city and its suburbs, the opposition that is created by the administrative bodies of the municipality is too strong for non-governmental organizations to continue their work in establishing Nantes as a city with a strong or at least realistic human rights approach, instead, the focus of the city seems to be on establishing themselves as a marketing tool and not as a human rights tool.

# Budapest: The Underdog

## Or What Makes a Human Rights City?

### 1. Introduction

Specifically concerning the current developments in Hungary, Budapest is not the first city that comes to mind when thinking about human rights. The recent amendments of the Hungarian Constitution raised international concern, especially within the European Union. These changes indicate that the Hungarian government is in the process of abandoning the European Union's principles of freedom, democracy, and the rule of law (Verseck, 2013). Contrastingly, Budapest has been engaged with human rights since 1994. Back then, the city adopted its first strategy plan meant to promote the right to equal participation of disabled citizens. While this first step was taken in an attempt to meet obligations defined by national legislation, the city's human rights approach has expanded tremendously since then. Generally, Budapest's human rights approach appears to be successful. A municipality official, who wishes to remain anonymous, stated that "country wide it is quite clear that Budapest is the most equal city" (municipality official, 2013). However, even though Budapest shows distinctive aspects of a HRC, it constitutes a quite different case in the context of the overall project. In contrast to the established promotion of human rights, the city rejects the HRC label and its use of human rights language is widely absent. Therefore, the city provides an interesting example of the complexity and politicization of human rights. Furthermore, the involvement of state and non-state actors on the local, the national, and the international level constitutes a remarkable example of the ways in which levels can be intertwined.

While the city's human rights approach provides interesting insides into the concept of HRCs, Budapest in itself constitutes a unique case in the context of the overall project. While all other cities considered are located in long established western democracies, Budapest is not only the youngest democracy—with its first elections held in 1990—but also the only eastern European city considered. (CIA, 2013). Additionally, Hungary is the youngest EU member in

the sample, having entered the EU as part of the 2000s eastern enlargement in 2007 (Lelieveldt & Princen, 2011).

The following chapter presents the results of the case study of the city of Budapest. While the study seeks to contribute to the overall understanding of human rights cities, the complex set-up of the human rights system was of high importance. The study aims to investigate and untangle the intertwined nature of the municipality, Budapest Chance Nonprofit, the Equal Opportunities Office, and local, national, and international organizations. Furthermore, it seeks to identify the main driving force, or driving forces behind the adoption of the human rights approach and current projects. Data were obtained from semi-structured interviews conducted with key actors in Budapest, Brussels and Strasbourg. Additionally, policy documents, strategy plans and written information provided by the interviewees were used<sup>1</sup>.

The following two sections provide an overview of the country's relation to human rights and a short description of Budapest as such. Subsequent sections describe Budapest motivations to become a HRC and seek to map-out and untangle the city's human rights system and the mechanism present in the city. An additional section is concerned with the city's human rights work on projects and describes the city's budget and human rights award system. This is followed by a conclusion.

## **2. National Context: Hungary and human rights**

Hungary is an eastern European country situated between Austria and Romania, bordering Serbia and Croatia in the south and Slovakia and Ukraine in the north. Its population of approximately 9.9 million is mostly homogenous, with 1.9% of the population being Roma, who also constitute the biggest minority group in the country (CIA, 2013). (CIA, 2013). Following the Freedom House assessment, Hungary classifies as a free country, with the press being only partly free. According to the measurements provided by Hague & Harrop (2010) the protection of political and civil rights in the country is good. Whereas Hungary's economic development has been met with

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1 It should be emphasized here that data collection in the form of interviews and assessment of written materials was made considerably difficult due to the language barrier present, as central information could only be obtained in Hungarian.



positive and wide-ranging recognition, the country's implementation of human rights standards into its system after the change from a communist system have occurred unnoticed. However, Hungary's constitution, amended in 1989/1990, incorporates many aspects of international human rights (Pogany, 1992). Article 1(1), for example, holds that "[i]nviolable and inalienable fundamental rights of humans have to be respected [and that] [p]rotecting them shall be the primary obligation of the state". In addition to the protection of liberties and freedoms, the rights of children and the freedom from torture and inhumane treatment (Art.3, 4, 8 ), the constitution specifically demands the protection of those in disadvantaged positions. Article 15(5) reads "Hungary will protect women, the elderly and those living with disabilities with special measures". These articles are but a few examples showing the "unequivocal protection of fundamental rights" in the constitution to use Pogany's (1992:676) words. Hungary's Constitutional Court has been identified as an important aspect of Hungary's human rights protection (Pogany, 1992).

However, the recent constitutional changes could lead to a breach of the human rights of Hungary's population (UN News, 2013). After the last national elections, the center-right Fidesz party<sup>23</sup> was able to secure a considerable majority in the parliament, after having obtained 53% of the votes (Bánkuti, Halmai & Scheppele, 2012). As a result of Hungary's election law, containing an 'extra-seat-bonus', Fidesz's vote share translated into 68% of the seats in parliament, enabling the party to change the constitution as they pleased. The party began to systematically expand its position of power by, inter alia, reducing the powers of the constitutional court and other institutions able to exercise power over the government (Bánkuti et al., 2012). These changes show the ways in which the government is moving away from basic democratic and European principles (Verseck, 2013).

The constitutional changes have been met with immense critique from various sides and have triggered reactions throughout Europe (Verseck, 2013). Especially, the laws contained in the amendment, that had formally been rendered unconstitutional by the court, are now

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2 With János Áder as president and Viktor Orbán as prime minister (CIA, 2013)

3 Fidesz-Hungarian Civic Alliance or Fidesz or simply Fidesz (CIA, n.d.), was founded as a liberal democratic youth group and is now classified as a highly conservative party, with nationalist and anticommunist sentiment (Columbia Electronic Encyclopedia, 2013); specifically concerning the recent developments Fidesz has exhibited a strong authoritarian focus (Verseck, 2013)

inadmissible (Verseck, 2013). Specifically in the context of this study, these developments are crucial, as Budapest's human rights approach stands opposed to the national government's policies.

### 3. The City in Context: Budapest

Budapest is the political, administrative, commercial and industrial center of Hungary and home to roughly 20% of Hungary's population (Encyclopedia Britannica, 2013). While the national political system is increasingly centralized, its capital has a decentralized structure, with a horizontal set-up. Budapest is composed of 23 district governments. The Budapest Metropolitan Council holds the main governing power and, along with the district mayors and the chief mayor<sup>4</sup>, represents Budapest's main legal entity (Encyclopedia Britannica, 2013).

The city is signatory to the 2000 European Charter on the Safeguarding of Human Rights in the City (ECSHRC) and therefore committed itself to the principles set forth by the Charter, such as the protection of the most vulnerable groups and citizens and the right to culture, education, and work (UCLG, 2012). However, in contrast to other human rights cities, Budapest does not identify itself with the label of HRC<sup>5</sup>. Nevertheless, Budapest's various human rights bodies, created on the municipal level, show a commitment to the human rights approach<sup>6</sup>. Furthermore, Budapest is home to European organizations, the European Roma Rights Center (ECCR), and the European Youth Center<sup>7</sup>.

Generally, Budapest's human rights engagement takes place on all levels, with local, national, and supra-national activities, among which the municipality's Equal Opportunities Office and the municipi-

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4 The office is currently held by István Tarlós (Municipality Budapest, 2013).

5 Result of an extensive Google search. Including the municipal website and other important online representations of the city, in addition to information obtained from municipality officials

6 See the Roma-Net project (<http://urbact.eu/en/projects/active-inclusion/roma-net/homepage/>); The Equal Opportunities Office/Budapest Chance Nonprofit Ltd. (<http://www.pestesely.hu/?pageid=menueng>); Hosting the Human Rights Forum (<http://www.kormany.hu/en/ministry-of-foreign-affairs/news/the-fifth-budapest-human-rights-forum>); The International Human Rights Documentary Film Festival (<http://www.verzio.org/>)

7 See ERRC (<http://www.errc.org/>) and EYCB (<http://www.eycb.coe.int/>)

pality owned Budapest Chance non-profit organization are the most prominent. In addition to the municipal bodies, approximately 2000 NGOs are present and engaged in the metropolitan area (Municipality Official, personal conversation, 2013). While the city's general human rights approach involves the execution of strategy plans and Equal Opportunities legislation, most of the human rights work is project-based. Only recently, the municipality and Budapest Chance finished the ROMA-Net project in cooperation with the European Commission.

### *3.1 Budapest and Human Rights*

Following the language used in the Hungarian Constitution, human rights institutions and programs refer to equal opportunities rather than human rights as such. In article 14(4), it is stated “Hungary shall institute measures aimed at achieving equality and preventing the lack of equal opportunities [emphasis added].” While human rights language is widely absent, the Budapest, More than Chance Strategy Plan states the importance for Budapest to adhere to human rights principles. Therefore, providing equal opportunities is based on notions of human rights. As is the case in many cities, Budapest's human rights—or equal opportunities—approach primarily focuses on local level employment. Seen in context with the newly established ombudsman for fundamental rights on the national level, whose focus as well is discrimination in employment, it becomes clear that employment is seen as a means to the end of human rights and equal treatment on the national, as well as on the local level. More precisely, the ombudsman, or commissioner's office was established in March 2012 and aims to “improve the employment conditions of groups of workers at a disadvantage” (Relevant legal Provisions, n.d.). Groups that are considered to be at disadvantage are people with small children, disabilities, as well as career-starters and long-term unemployed, women, and people belonging to national minority, for example Roma. Similarly Budapest, which is home to 60,000 Roma, 970,000 women, 85,000 disabled people, 540,000 elderly, and 468,000 citizens with a religious belief different from overall population, defines all these individuals as minorities or segregated groups (Budapest - more than chance, VI).

Although all groups are of equal importance, the disadvantaged position of the Roma community is especially crucial in eastern Europe. Roma are more likely to be unemployed (Budapest, more than

Chance - Brochure ) and to face discrimination (Budapest – more than Chance, V1). Consequently, Budapest's Roma population is one of the main target groups of equal opportunity, integration, and inclusion programs, such as Roma-Net. Budapest as such has a relatively rich cultural diversity and, in the past, its population growth was driven by migration to the city rather than birth rates (Encyclopedia Britannica, 2013).

In addition to considering Budapest's human rights approach in conjunction with a strong focus on employment and the position of the Roma people in eastern Europe, it is important to view the equal opportunity approaches in close relation with the communist history. The young democracy and the opportunities and challenges posed by the transition to a democratic system could well have had an impact on the way Budapest developed its equal opportunities approach, as will be discussed in the next section.

#### **4. Equal Opportunities in Budapest: Motivations and Origins**

Budapest's engagement in human rights matters dates back to the mid-1990s, long before the ECSHRC had been drafted. Concerning Budapest's motivation to engage with human rights, three main motivations were identified and will be discussed in the following section.

Following national legislation passed in 1994, Budapest was obliged to provide for equal opportunities for disabled people. This legislation fueled the work of Budapest in the field of equal opportunities and human rights matters. Over the years, the project was expanded and led to the founding of the Budapest Esély (eng. Chance) Nonprofit Kft. in 1996 (municipality official, 2013). Owned 100% by the municipality, the non-profit was established to carry out the equal opportunity obligations of the city (Ildikó, 2013). Consequently, Budapest Chance's options for activism are considerably limited, as they cannot criticize the municipality's political conduct. Even though the non-profit can make recommendations, they cannot act politically. While the focus of the city's equal opportunities approach expanded over the years, the main emphasis is still on equal opportunities in employment and education. Specifically segregated social groups are in the focus of the municipality's policies ("Budapest Több, Mint Esély", 2010).

Finding the factors that lead to the expansion of equal opportunity policies on the local level is rather difficult. Firstly, the newly

developing democratic system and the unfamiliarity of the political parties with the workings of democratic systems can be assumed to have impacted the level of importance assigned to the equal opportunities program in Budapest. Confronted with an evolving democracy, political parties were bound to their own values (Gábor, 2003)<sup>8</sup> and those present in the constitution, which also contains rights also provided for in international conventions and treaties, such as the Universal Declaration of Human Rights and the European Convention on Human Rights<sup>9</sup> (Ildikó, 2013).

Secondly, Demszki Gábor, who was in the prominent position of Budapest's first mayor (and the only mayor the city was to have in the following 20 years), is assumed to have furthered the equal opportunities approach. In the changing Hungarian society, utilitarianism à la John Stuart Mill appears to have been influential to the way Gábor shaped his understanding of liberalism (Gábor, 2003). He states that "the freedom of liberalism is also a kind of order: the order of exercising the fundamental human rights" (2003:15). Prior to his function as mayor of Budapest, Gábor had been involved in various activities, often of a political nature. As a lawyer and sociologist by training (Pallai, 2003), he has been active in solving the issues of poverty, especially concerning the Roma population. In the 1970s, he was one of the founders of the unofficial organization 'Foundation of the Poor' (Gabor, 1988). In the 1980s, he was a dissident and almost had to serve a prison sentence due to his activism against censorship rights in founding an underground publishing house (Woodard, 1996). As the first democratically elected mayor of Budapest, he played a key role in defining the city's future conduct and the implementation of the democratic system. Instruments like the homeless-aid system are attributed to him (Pallai, 2003). Considering Gábor's personal history, it is logical to assume that he has been one of the driving forces—if not the main driving force—behind Budapest's increased commitment to equal opportunities. It was also during his time in office that the

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8 Retrieved from an introduction written by Gábor, for a book concerning the 'Budapest Model'. Though the book focuses on Budapest successes concerning economic and financial policy in the attempt to rebuild the city, it lies close to assume that the equal opportunities approach gain footage in a similar way.

9 No definite statement was made by the interviewees, nor could information be found online, however, referring back to the introductory section and the articles mentioned there, the connection between rights provided for in the constitution and in the international treaties becomes clear.

municipality signed the ECSHRC. Although it is unclear when the Charter was signed, it probably took place around 2007 and was fully implemented by 2009, when Gábor was still in office (municipality official, 2013).

Lastly, and in addition to the mayor's prominent position, the country's EU accession in 2007 opened new funding and project opportunities, enabling a wider span of activities. Currently, many projects are either funded or supported by supranational bodies, either the Union or the Council, which poses another driving force, next to the rich body of NGOs present in the Hungarian capital, pushing for action continuously (municipality official, 2013).

#### *4.1 Budapest Chance and Project Based Engagement*

According to a civil servant, Budapest's engagement is based on the idea that equal opportunities for disadvantaged groups are of high importance. Generally, there is a strong enthusiasm for the concept of human rights and equality. In the light of the communist history of the country, participatory governance is emphasized and constitutes an important element of Budapest's engagement. As participatory governance has not been a part of the Hungarian political system, engaging citizens and civil society in equality policy measures and informing them about the importance thereof is important to the municipality's approach. Consistently, the municipality official interviewed attributed Budapest's successes to the active engagement of civil society rather than to the municipal government (civil servant, 2013; municipality official, 2013).

#### *4.2 The Human Rights Label*

The use of human rights terminology varies across institutions. While the municipality refers to human rights principles in the same way as the equal opportunities office, Budapest Chance focuses its rhetoric on equal opportunities and values defined in the Hungarian constitution. It rejects human rights notions as too complex to define their work. In contrast, civil society organizations, like TASZ (Hungarian Civil Liberties Union), specifically refer to human rights matters (about us, n.d.). The same applies, amongst others, to a national activist group concerned with the criminalization of homelessness in

the city and in the country.<sup>10</sup> The divergent use of human rights in this matter is very interesting. While the municipality uses human rights language in order to strengthen policy proposals, or action plans (Budapest – more than chance; Budapest, more than Chance – Brochure), it is used by NGOs and grassroots activists to emphasize the importance of their activities and their critique. Considering that the municipality's non-profit refrains from using human rights language, it appears that human rights language is used to strengthen political claims, following the notion of human rights as a political myth (Reinbold, 2011). This also becomes apparent concerning the HRC label. While the city refrains from labeling itself as a HRC, the term is used in the international environment. It is not employed in terms of public international standing, but in cooperation with international bodies and organizations (municipality official, 2013).

This attitude toward human rights was visible both in other organizations and amongst local municipal officials. When asked whether Budapest could be considered a HRC, one of the participants in our research answered: "I cannot answer the question, sorry, because we are not allowed to make political statements" (municipality official, 2013).

## 5. Implementation

The target group was expanded to include all vulnerable groups, most recently women, and the activities include an assessment of the situation of the group concerned, employment, education, advocacy, capacity, and network building. Over the last decade, the municipality, in cooperation with Budapest Chance and other actors, has established many action and strategy plans that were also translated into legislation. The cooperation between a diverse set of actors is important just like the inclusion of civil society and the building of networks (municipality official, 2013). In the following section, the two main actors in terms of project planning and development will be

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10 "The City is for All was founded in August 2009 by homeless, and formerly homeless activists and their allies who fight for a society based on equality and justice. The group aims to create an opportunity for homeless people to stand up for their dignity and fight for the right to housing." See [http://www.habitants.org/news/inhabitants\\_of\\_europe/budapest\\_the\\_city\\_is\\_for\\_all\\_we\\_are\\_not\\_afraid\\_of\\_breaking\\_laws\\_for\\_justice](http://www.habitants.org/news/inhabitants_of_europe/budapest_the_city_is_for_all_we_are_not_afraid_of_breaking_laws_for_justice) and <http://avarosmindenkie.blog.hu/tags/english>



discussed. Both are integral parts of the city's human rights approach and have been initiated by the municipality.

### *5.1 Budapest Esély Nonprofit Kft. or Budapest Chance*

As has been indicated earlier, the Budapest Chance (BC) nonprofit is at the heart of Budapest's human rights engagement. The organization receives an annual budget from the municipality based on a proposal and project plan that has to be submitted to the municipal council's general assembly. Additionally, the organization can apply for external funding. This is done by the problem office, which is also responsible for planning, organizing, and executing projects in the city. Because many external funders require the organization to match a certain percentage of the funds themselves, they are in close contact with the municipality and the national legislator.

While the city as a whole expanded its focus from equal opportunities to non-discrimination in general, BC's focus is still the employment of disadvantaged groups. To do so, it offers professional, vocational, and motivational training to job seekers in addition to supporting them throughout the application process. However, BC takes an approach that is more thorough than just focusing on employment opportunities. They are in close contact with future employers and work towards improving equal opportunities in the work place, helping companies adjust their environments for the needs of better integration and inclusion. In this context it is crucial to mention the mentoring and a patron system. While the mentor supports the client in obtaining a job, the patron supports the integration of the client at the workplace. The mentor and the patron specifically focus on whether or not the client's human rights are respected. In case the client's rights are violated, Budapest offers legal support. Concerning the recent attention for women in the equal opportunities approach, BC focuses on improving women's work-life balance. In doing so, BC seeks to incorporate both the needs of the employees and the employers. Budapest Chance is approachable for job seekers of all kinds on a daily basis and supports 3,000 to 4,000 job seekers each year, roughly 50% of which are placed in public employment (Brochure – Budapest Chance)

Moreover, BC is engaged in various extra projects. In the beginning, Budapest Chance functioned as an umbrella organization for all local NGOs. These days, however, it mainly focuses on NGOs that work in related fields, as it simply does not have the capacity to



coordinate the work of the roughly 2000 NGOs. However, BC still facilitates networks and trains NGO activists in order to help build up their capacity in order to enable them to run their own projects. It is especially in projects concerned with increasing participatory governance that BC cooperates closely with local NGOs, district governments, and civil society groups in order to benefit from their knowledge and resources, for example that of social workers.

Generally, Budapest Chance appears to be relatively successful, as according to Kassai Ildikó, it manages to provide employment opportunities for many more people than the national unemployment office does (Ildikó, 2013). Their sub-contractor status specifically enables them to work more effectively, as the face less bureaucratic limitations as when being part of the municipality.

### *5.2 FEMI: The Equal Opportunities Office Budapest*

FEMI was established in 2003 by the municipality and while its functions are separate from Budapest Chance, it operates under its umbrella. Its focus, however, is a more wide-ranging, as it is concerned with the promotion of equal rights in general. Furthermore, their work is less practical, but focuses on capacity building and educational measures for civil rights organizations and employers (FEMI). A crucial aspect of their work is the organization of training programs and conferences in order to build networks, next to the Equal Rights Assessment and the development of strategy and action plans. Furthermore, the office conducts research in order to effectively target existing problems. Most recently, the office developed the Budapest - more than chance - Equal Opportunity Settlement Program, in cooperation with the municipality. It is an extensive strategy plan spanning over three volumes. A translation of the problem and solution trees in it can be found in the Appendix A and B, summarizing the issue the strategy plan is intended to solve<sup>11</sup>. The plan is meant to resolve existing inequalities on the basis of the human right to non-discrimination and involves long and short-term goals, as well as an almanac listing 80 NGOs and their best practices. The plan entered into force in 2010. It has been the result of an extensive assessment

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11 Unfortunately, providing more detailed information on the nature of the problems and their solutions is beyond the scope of this chapter. For more information please consult the Budapest – more than chance Equal Opportunities Settlement Programme Version 1 (available only in Hungarian)

of the situation, including workshops, conferences and discussions with experts, the municipality, and civil society organizations. It involves many different mechanisms, amongst others awareness-raising campaigns concerning discrimination and intolerance including the ‘Do not walk on each other’ campaign. It also seeks to make services provided in the city more accessible to all its citizens. Mechanisms and practices are reviewed and monitored in order to assess the impact of the various mechanisms. Furthermore, following the strong focus on participatory government, the program involves a website, forums, and media platforms in order to involve the population and civil society organizations to effectively voice their issues and concerns (Budapest, more than Chance – Brochure).

### *5.3 Project Based Approach*

The project-based<sup>12</sup> approach is a very important element in Budapest’s equal opportunities/human rights program. Projects concerning Roma rights, education, equal opportunities, and social support have already taken place in the past years and have achieved considerable results. Currently, we were informed that a project concerning the reintegration of prostitutes will start in 2013. Furthermore, a project concerning social housing is planned as well, which is specifically crucial concerning the situation of homeless people in the city after the change of the fourth amendment.

With the municipality functioning as a coordinator and key support actor, the project-based approach in Budapest is designed to work on the basis of cooperation between the municipality and various NGOs. Furthermore, Budapest also participates in many international human rights projects that it combines with its national activities. One example for a national initiative, which is realized through international cooperation, is the ROMA-Net Urbact project.

### *5.4 ROMA-Net Urbact<sup>13</sup>*

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12 Information provided in this section is based upon information provided during the interviews conducted with officials from the municipality and other organizations.

13 If not otherwise indicated, the information in this section is obtained through interviews with officials from the municipality and the project discussed.

The Hungarian Constitution provides for a considerable amount of respect for other nationalities. They shall not only “be considered a part of the state forming entity” (const. art. 27(1)), but “[n]ational and ethnic minorities in Hungary shall have the right to form local and national self-governments” (const. art. 27(2)). Though these extensive rights are granted to national minorities like the Roma, discrimination is still common (Amnesty, 2012).

Following the assessment of Keresztely & Szabo (2006) of the way in which cultural groups can be distinguished, groups like the Roma constitute national minorities that stand opposed to the dominant groups, in this case native Hungarians. That stand in contrast to the main culture. Roma are a nomadic group of people, presumably stemming from India, and have been subject to discrimination and even persecution throughout history (Huda, 2011). Around 8 to 10 million of the 12-15 million overall Roma population in the world lives in eastern Europe (World Bank, 2000). Around 500,000 to 600,000 Roma live in Hungary (Kovat et al, 2007). Most Roma in Hungary speak Hungarian, although older generations also speak Romani. The percentage of Roma marriages with non-Roma people is very low (25% of Roma men and 10% of Roma women marry „out“ (UNHRC, 1998)). Distinguishing Roma people by physical appearance is very difficult in Hungary. In some cases, Roma can be distinguished by color, but more often a distinction is made based on accent. Another identification element could be surnames or place of origin<sup>14</sup> (UNHRC, 1998).

In 2009, Budapest officials were due to formulate policies concerning Roma integration and inclusion. However, after several exchange programs within the framework of the European Union, those plans were incorporated within a wider EU program – the URBACT<sup>15</sup>. One can only speculate whether it was solely financial advantages that lead to participating in European initiatives, or whether this choice was also due to the opportunity for a different approach. What could serve as an indicator is that in the time when

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14 Many gypsies were deported from Western Europe to Death Camps during World War II. Majority of Roma sought shelter in Eastern Europe where they received citizenship and protection (Institute Open Society Sofia)

15 URBACT is a European exchange and learning programme promoting sustainable urban development. This European programme is part of Europe's cohesion policy: its goal is to help implement the Lisbon-Gothenburg Strategy, which prioritizes competitiveness, growth and employment. ([www.urbact.eu](http://www.urbact.eu))

the Roma-Net project began, the European attention was strongly focused on the Roma issues. It is hard to identify whether the motivation for participating in wider projects is simply financial due to the difference in opinions and interpretations. Most probably, the choice was motivated both by financial benefits and by the opportunity for exchange and cooperation within a large network of international and national organizations.

The URBACT Roma-NET Project aims to integrate the Roma population by identifying and providing an action plan for tackling the challenges they face. It is specifically important for the partnership to find solutions on “how to overcome negative attitudes, how to improve consultation and engagement with the Roma community” (URBACT, n.d.a). The project, supported by the European Commission, was completed after four years in January 2013 (URBACT, n.d.b). The action plan, made available via the project website in 2012, outlined the main objectives: combating prejudice/discrimination, strengthening participation of Roma people in the labor market, education of young Roma people, housing and quality of life, health care and life expectancy, and the preservation of culture and identity. The action plan outlines the involvement of 15 different organizations, 13 specific projects and concrete local activities for Roma participation and inclusion (URBACT, 2012).

Due to its international character, the Roma-Net project involved many cities with a leading partner (e.g. in Budapest it was the municipality) and local support groups that had to be put into place in each city. The URBACT exchange networks work with each partner developing an action plan, which should be carried out by the local support group. In Budapest, the support group was formed by small, local grass roots NGOs focusing on Roma rights, rather than by large national and international organizations. These small NGOs are already working in different fields and the Roma-Net is aimed at supporting the activities and helping those local grass roots organizations participate in international actions as well. Once the action plan is completed, each issue identified in it is supposed to be enacted upon by the relevant NGOs participating in the project. The idea behind it would be that those organizations already working on many local activities would have better connections and insights on how to approach the matters in question.

However, the future of the action plans is a bit uncertain. With the current political situation and the constitutional changes, officials were unable to make any predictions for the future. It seems as though

the process of centralization is crucial in this respect, as municipalities do not know which competences they might lose next. Education forms an example. As one respondent put it: “Education belonged to the local authorities and now the government decided, you know, to take these competences back and now they will be in charge. In the content - still the schools the buildings the physical facilities stay within the local government but of course you know where you get influence is the content. That is what happens in the healthcare” (municipality official, 2013). Social care also falls under the recent changes, for example homes for elderly people are now no longer the responsibility of the local governments.

According to some officials, the future implementation of local governmental initiatives will be complicated. Nevertheless, new projects are being started in the fields of migration, integration, re-integration, and social housing. One example could be the round tables, which were recently organized by the municipality, where the main actors working with migration issues come together for exchange of information and cooperation for improving their efficiency. This project is funded by the national part of the integration fund.

One notion becomes very clear in the interviews— the human rights rhetoric is very much avoided in the context of the project even though its grounds are based on fundamental rights. Furthermore, the human rights field is understood as complex political field and consequently avoided on local level. Even though Hungary is part of the European Union, matters of international importance still need to be translated to the local level and in that respect the complexity of human rights is seen as a barrier.

### *5.5 European Alliance of Cities for Roma Inclusion*

Budapest is also a member of the European Alliance of Cities and Regions for Roma Inclusion. This initiative is meant to increase cooperation between cities wishing to participate in improving the level of Roma inclusion in their areas. The alliance is very inclusive in the sense that every interested city can become a member. On the one hand, this could lead to a low level of commitment, but on the other it provides a framework for the exchange of information, experiences, and best practices. At the same time, the alliance will hold an Intensive Cycle of Activities, which will include around thirty European cities that cooperate in developing policies and preparing projects in order to achieve better results regarding the issue of Roma inclusion.

The idea is not to only focus on one particular group, but to work toward more general inclusion. As one official explains: “We speak about general inclusion because it can function that a city is inclusive but then excludes a certain community. The idea of the Alliance seems to be very much in line with the concept of human rights cities” (municipality official, 2013).

It is recognizable that when discussing human rights, one assumes that they should be applicable for all. However, this quote shows a different perspective, where while inclusion could be the goal, it could lead to exclusion even if unintended. This phenomenon is not unknown to scholars. One example provided during a interview was the Roma expulsion in 2010, where the justification for the deportation was on the basis of failure of the Roma to integrate in the French society.

In reaction to the question concerning the concept of human rights cities, and how it would be relevant for the Alliance, the official explains: “As I understand the human rights cities mean that all the human rights of all citizens of the city are ensured and equally protected and the Alliance works on the same thing with the Roma element” (municipality official, 2013).

Thus, the idea of HRCs seems to be understood as a city becoming a realm for human rights protection, where rights are ensured and provided for all citizens. This interpretation of the concept of HRCs contributes to the understanding of why Budapest and other cities refrain from using the human rights label. On one hand, it is viewed as a political framework and on the other hand, it seems to have an impact on the interpretations and expectations not only of citizens, but also observers from the outside. The difficulties the label could cause due to the expectations of all human rights to be equally provided for and protected could cause complications for the established framework of the municipal system and policies.

Furthermore, adopting the human rights label could cause various levels of complications. Established cultural dominance is often present in cities and providing for equality and integration of diversity to live up to the expectations would be a great difficulty.

### *5.6 Awards and Certificates*

In order to encourage active participation of the city’s citizens, NGOs, district governments and employers, the city of Budapest put into place five yearly awards. The Gabor Zalabai Equality Award

is named after the former Special Rapporteur on Disabilities and is given to disadvantaged people who have been highly engaged in helping others. The Inclusive Workplace Award is awarded to employers who actively promote equal opportunities in their companies. Next, the Socially Responsible Business Rating allows for a ranking of companies assessing whether the workplace is inclusive; a conception that has been developed by Budapest chance in 2008. Furthermore, the 'Best Equality Plan' Award honors district governments or local equal opportunities bodies that have done remarkable work. Other awards like the Senior Friendly Local Government Award are given to municipalities<sup>16</sup> (Budapest - more than chance, VI).

## **6. Contributive Factors or Barriers**

As has been indicated in the previous section, the available financial means are dependent on the financial situation of the country as a whole. Specifically, the present recession led to a tremendous decrease in financial means available, as they did in all other European countries (municipality official, 2013). Especially during recession, Budapest Chance's status as a NGO enables the project's office of the organization to apply for outside funding, which enables a continuation of project-based work, even in the case that the resources received by the government are limited. Furthermore, when securing outside funding, oftentimes a contribution of the applicant is necessary, which provides Budapest Chance with the opportunity and political leverage to ask for funding from the local as well as from the national authorities. While BC was able to secure and enhance its position in general, its owner limits it. Specifically, in the critical situation concerning the constitutional changes, the nonprofit as such only has limited means through which they can voice their opinion. While human rights activism often is political, BC by definition is apolitical and cannot protest decisions made by the governing bodies. Presently, the organization is limited to voice its concerns by issuing recommendations and opinions concerning the criminalization of the homeless and offer different more valuable solutions for example. Its ability to make those recommendations and voice its opinion needs to be noted as a positive aspect of their position as an established and successful organization (Ildikió, 2013).

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16 Own translation from Hungarian original, using online translation software



Furthermore, one municipal official felt that recent political actions and changes could cause difficulties or uncertainties for future developments of projects. That does not mean projects are stopped, but it provides for a level of concern on the way in which they would function. Currently, the political situation in Budapest is complicated and under various changes, which has inevitable impact on the municipal government. A deeper understanding of this would require more research.

### *6.1 Resources*

Even though no exact account of municipal spending on human rights has been available to us<sup>17</sup>, a municipality official indicated that the total spending on human rights and equal opportunity matters has been roughly €6 million before the recession in 2010 (municipality official, 2013). Correspondingly, the budget attributed to the municipality's non-profit organization Budapest Chance has decreased from HUF 300 million<sup>18</sup> (Budapest Főváros Települési Esélyegyenlőségi Programja, 2010) to HUF 120 million<sup>19</sup> (Ildikó, 2013). Concerning the municipality's equal opportunities program, the budget described in the strategy plan allocated HUF 55.7<sup>20</sup> million to project related purposes for the years 2010 and 2011 (Budapest Több, Mint Esély, 2010). In addition to the human rights projects of the municipality, the support of NGOs and specific programs receive funding from the municipal council as well. Consequently, the municipality supported thirty-five experienced NGOs in the field of equal opportunities that have proven to make available important services to civil society with HUF 939,824,000<sup>21</sup>. Apart from the NGO-focused spending, the municipal council supports specific programs aiming to improve civil equality in many ways, concerning disabled people, families, and youth. A total of approximately HUF 71 million<sup>22</sup> has been made avail-

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17 Due to the language barrier an in-depth assessment of the municipality's annual budget are rather difficult to make. However, based on information obtained during the interviews indications on municipal spending on human rights matters can be made

18 Approx. € 1,000,000

19 Approx. € 400,000

20 Approx. € 185.666

21 Approx. €3,122,746

22 Approx. € 241.000



able for this purpose for the first half of the period 2008-2009. While the budget assigned to the different purposes is quite considerable, it remains unclear how the €6 million was spent specifically and how much was spent on human rights and equal opportunity matters.

Just as is the case with the specific budget, exact numbers of staff involved with human rights are difficult to obtain, especially since Budapest's approach is based on project-based work. Budapest Chance employs approximately thirty to fifty people to fulfill everyday tasks and to work on projects based on and imitated by the nonprofit. However, employee numbers vary greatly depending on the projects that are conducted in respective years. In contrast to Budapest Chance, only one employee represents the equal opportunities approach in the municipality directly. While he has previously been working on the issues as part of the deputy mayor's office, the director for equal opportunities now functions as a bridge between the municipality, the supervisory body, and the committee (municipality official, 2013).

## **7. Implications**

Over the past decade, Budapest was able to expand its focus on equal opportunities due to the various institutions involved and the cooperation between the various actors. The city's engagement with human rights under the framework of equal opportunities has helped it to become the most equal city in the country, according to municipality officials. Furthermore, the municipality's equal opportunities program did yield considerable achievements in other respects as well. The variety of schemes and mechanisms, developed by the municipality and specifically Budapest Chance, are now used as teaching materials in universities, as well as by employers on the national level (Budapest Chance Brochure). In addition, the project-based approach that is employed allowed for a diversification and increased flexibility of the equal opportunities approach. Targeting specific human rights issues in the frame of project based work enables the use of different mechanisms—be they local, national, or international—depending on the nature of the human rights problem. The municipality's role as strong actor, partner, and coordinator of initiatives on the local level is crucial. With the high importance placed on participatory governance, the municipality can enhance cooperation either on its own, or through the means available, e.g. the Equal Opportunities Office and Budapest Chance. Additionally, the engagement of the municipality on the international level enables it to obtain the re-

sources needed and gain knowledge and experiences to improve its mechanisms and services.

Coming back to the research questions posted at the beginning of this book, the main driving force behind the considerable engagement with human rights cannot be identified exactly. However, based on the information obtained in the interviews, one can assume that the prominent position of Budapest's first democratically elected mayor and his personal history had a considerable impact on the city's commitments. Furthermore, it is important to note that the change from a communist regime and the opportunity to frame policy based on the values of the elected officials has been influential. Especially the high importance assigned to participatory governance and the role of NGOs in realizing the equal opportunities program emphasize the influence the country's communist history had. Concerning the legal standing of the different bodies, it appears that the municipality of Budapest has delegated its tasks to specific bodies in order to avoid bureaucratic limitations to its plans. It has to be noted however, that due to this set-up neither Budapest Chance nor the Equal Opportunities Office can be held accountable by anyone but the municipality's general assembly. While the bodies are not directly accountable for their measures or failures to act, based on the principle of participatory governance, the attempt is made to actively involve the citizens. Generally, it appeared that Budapest's main actors base their approach on a strong feeling of solidarity and enthusiasm for human rights.

Additionally, the intertwined nature of governmental, local non-governmental, and international bodies was central in expanding Budapest's human rights approach. Budapest Chance's cooperation with both local, national, and international bodies allows them to use the capacities of other organizations and learn from their approaches. Similarly, Budapest Chance and the Equal Opportunities Office are engaged in furthering the competences of local NGOs in order to empower them and take on tasks and projects independently. In the context of the current difficult political situation in the country, capacity building and the local level appears to be crucial in order to make services available on the grass-roots level that are not available political. This, for example, becomes clear when referring back to Budapest Chance's employment program and their engagement to find employment for homeless people in order to 'get them off the street' where they would be criminalized. In addition to capacity building on the grass roots level, the inclusive approach also allows for finding pragmatic solutions that all actors can agree to. Additionally,

the inclusive approach has shown great potential in the context of employment as well, where the focus is not only on the employee, but also on the employer. Lastly, the monitoring and reporting systems that are connected to every activity and the development of action plans following the projects, in order to further improve the situation in the capital are crucial for Budapest's success.

In contrast to the considerable budget and the high engagement of Budapest with human rights and equal opportunities, it is interesting that the label of human rights is rejected. While the concept of human rights is used by the municipality as such to stress the importance of equal access to the city and non-discrimination for its citizens and by local NGOs to make rights claims, it is rejected by the city's nonprofits. Additionally, the municipality officials rejected the idea of an overall label for Budapest as a HRC, even though they do employ the language and the city is signatory of the European Charter on the Safeguarding of Human Rights in the City. Furthermore, the city's engagement with the European Alliance of Cities and Regions for Roma Inclusion can be interpreted as a mechanism typical of HRCs, even though it focused specifically on the issue of Roma inclusion. However, all of the above is contrasted with the current political developments and the rather powerless position of the municipality of Budapest in this context. While Budapest shows a strong engagement in human rights, the coming years will show whether the capital will be able to maintain and enhance its approach in the face of increasing centralization and constitutional amendments that are questionable in the light of human rights.

Projects concerning integration and inclusion regarding Roma population and other groups are being started. However, the political changes mentioned above result in officials expressing a certain level of concern about the future developments of both—the completed and on-going projects. Nevertheless, the current involvement of Budapest in inclusion of minorities and disadvantaged groups through using a network of NGOs and business actors shows a certain level of human rights engagement. Still, the human rights label is regarded as a political topic when it comes to matters of European importance such as the Roma inclusion.

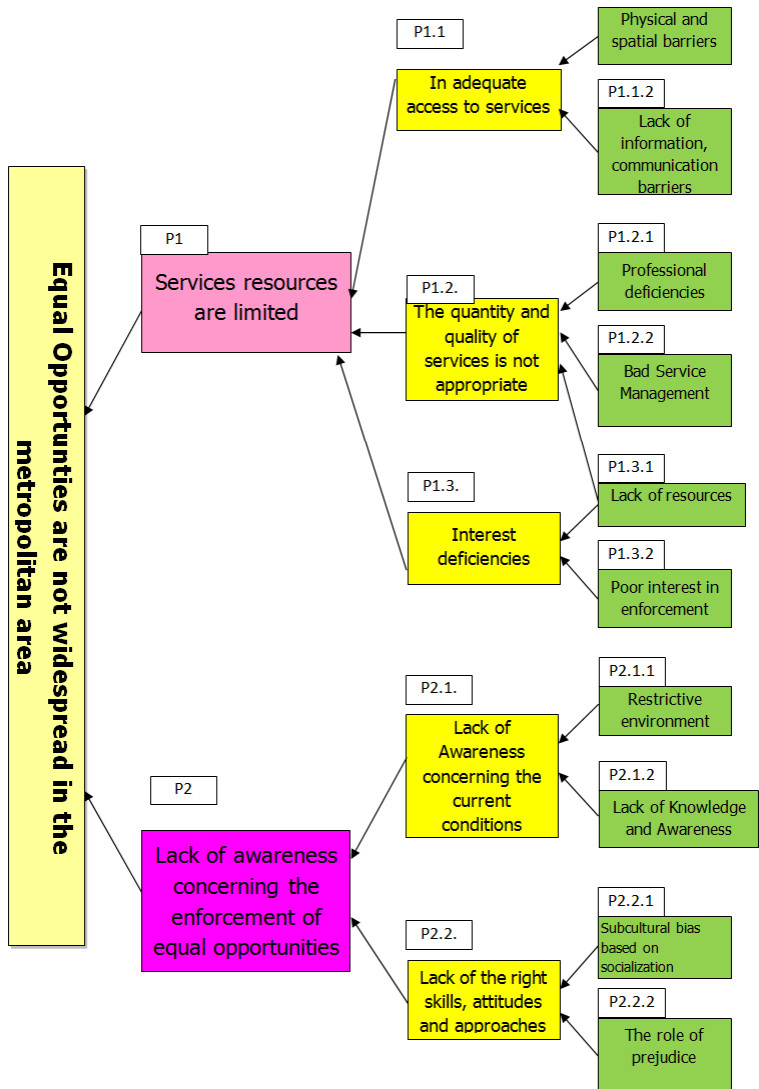
In the case of Budapest, the question of what makes a HRC remains. While Budapest does indeed have many mechanisms that one would consider appropriate for a HRC (active engagement, special bodies, budget) it does not employ the label. It is open to debate how much importance should be assigned to such a label, as it remains—

after all—a label. Adopting the label does not, as a consequence, lead to better human rights standards for the population. It is left for future research to establish whether the current trend pointing at Budapest being a HRC will be sustained regardless of the political changes in the country.

Appendices

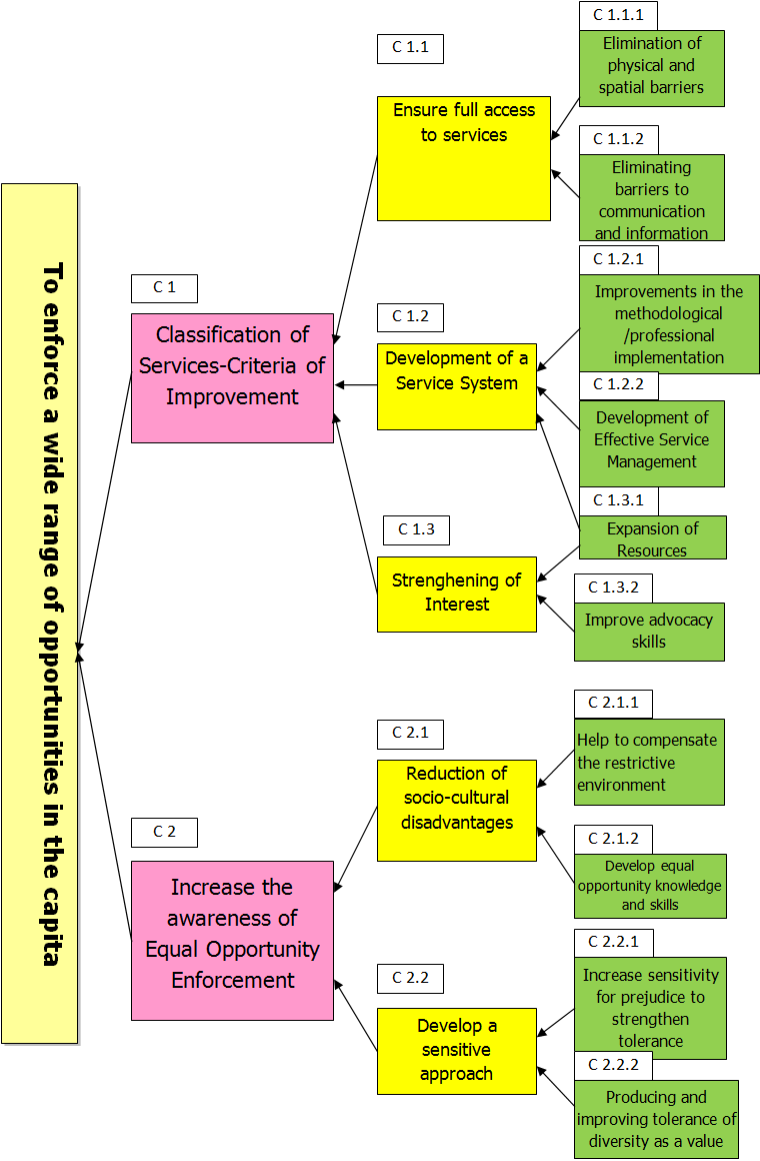
Appendix A

Problem Tree Retrieved from Budapest - more than chance - Equal Opportunity Settlement Programme of Budapest, Volume 1



Appendix A

Solution Tree Retrieved from Budapest - more than chance - Equal Opportunity Settlement Programme of Budapest, Volume 1



# Gothenburg: A Human Rights City in the Making

## 1. Introduction

Becoming a HRC can be achieved through a variety of ways. Some cities publicly name themselves a HRC and support this via signing treaties such as the European Charter for the Safeguarding of Human Rights in the City, whereas others prefer a more internal approach. Gothenburg can be considered to be a city taking the latter approach. The city of Gothenburg did not sign any treaty related to the concept of a HRC, but it may nonetheless be seen as an example of a HRC in Europe since it explicitly refers to human rights principles (van de Berg, 2013). But even in their focus on becoming a HRC, there are some considerations to take into account. As a port city with a large working class population, the city of Gothenburg suffers from exclusion and gentrification. Research done by both Morgan and Ren (2012) and Thorn (2012) indicates that these exclusionary forces and processes of gentrification are very present in the city of Gothenburg. Moreover, a report issued by the municipality in 2012 acknowledged that besides a changing economy and climate change, social exclusion will be the main challenge facing Gothenburg in the upcoming decade (Göteborgs Stad, 2012a). They state that the city has economically excluded and socially deprived districts that “exhibit high unemployment, low levels of educational attainment and skills, poor health, and low levels of civic participation” (Göteborgs Stad, 2012a). However, with new projects promoting urban renewal and mixed housing, often under the header of human rights, these problems have been put on the map. This chapter will examine how human rights are implemented in the city of Gothenburg and assess what the effects are of these policies on the urban landscape. In the following paragraphs, aspects will be discussed that play a significant role in the city’s development towards becoming a HRC. These are aspects such as the history, different influential factors, and specific motivations. Subsequently, key instruments in the implementation of human rights policies within the city are examined, specifically

focusing on the budget of 2013 and the use of human rights language. Finally, the implications of these new policies are not only examined by looking at the results, but also through the identification of benefits and barriers to the human rights approach.

## **2. The City of Gothenburg**

Gothenburg is a university city in the south of Sweden with approximately 526,000 inhabitants (Göteborgs Stad, 2013a). The city has Scandinavia's largest port (Norden, 2013). The city council is the highest decision making body and is made up of the Social Democrat party (with seven deputy mayors), the Green party (with two deputy mayors), and the Left Party (with one deputy mayor) for the period of 2010 to 2014 (Göteborgs Stad, 2013a). The city structure is made up out of ten districts, which all have a local political board. Within these districts many different units exist, such as boards on theatres and museums. All districts have at least one person addressing human rights issues on a local level. There are around 50,000 municipal workers employed by the city, including professions ranging from teachers to general practitioners.

### *2.1 Human Rights in the Legal Dispensation*

The responsibility for the protection of human rights in Sweden lies with the government and national and local government administrators (Mänskliga Rättigheter, 2013). The protection of human rights is laid down in three constitutional laws: the Instrument of Government, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression (Human Rights Council, 2010). The first fundamental law (Art 19, chapter 2) includes that no act of law or other provision may be adopted that is in conflict with the Swedish undertakings under the ECHR. Moreover, it also contains a record of human rights and freedoms (Human Rights Council, 2010). The Universal Periodic Review of Sweden furthermore sets apart that Sweden has signed and ratified most major UN conventions on human rights and the eight core ILO conventions. Sweden is a dualistic state and gives legal effect to treaties by means of incorporation, where a convention is incorporated through general law, and transformation, and equivalent provisions in a Swedish statute are created (2010).

When moving toward municipalities like Gothenburg, notice must be taken of the Swedish constitution and its provisions on the



different levels of government within the state. Chapter fourteen, which regulates local authorities, provides for the responsibility of local authorities over local and regional matters of public interest on the basis of the principle of local self-government. Self-government of the municipalities of Sweden is believed to be part of the public power of the people. Local authorities are allowed to charge taxes for the management of their affairs. The main responsibilities of municipalities lie with schooling, childcare, care for the elderly, technical service, and infrastructure (Skane, 2009).

Gothenburg itself claims to foster a democratic society with respect for human rights, anti-discrimination, and gender equality (Göteborgs Stad, 2013b). The city states to actively engage in combating all forms of discrimination and therefore self-assesses that it may be seen as a national pioneer in equality strategies and human rights protection on the local level (Göteborgs Stad, 2013b).

### **3. Human Rights Implementation in Gothenburg: the Origins**

A clear and explicit historical ground for Gothenburg to engage with human rights is not existent. Nonetheless, it has been acknowledged that the harbor of the city has been of major impact in establishing the city's tolerant identity and allowing the international cultural influences now present in the city (Jacobson, 2013; Martinsson, 2013). The harbor offered the opportunity for many cultures to flow into the city, something that brings a lot of opportunities, but also difficulties along, especially with regards to migration (Abiri, 2013). In general, Sweden's public sector is rather large and the city of Gothenburg is no exception to this (Martinsson, 2013). The port and the subsequent influx of migrants have allowed the city to work on issues such as migration and openness (Martinsson, 2013).

#### *3.1 Sweden and the National Action Plans*

The main influential factors in the engagement of the city with human rights are the national government, the municipality, the University of Gothenburg, and, to a lesser extent, civil society. Most respondents argued that the initiative of the city to adopt a human rights driven approach found its start between 2006 and 2009 whilst being inspired by the first and second action plan on human rights laid

down by the national social-democratic Swedish government<sup>1</sup> (Abiri, 2013; Jacobson, 2013; Martinsson, 2013). These action plans, drafted in 2001 and 2006, were focused on the protection and promotion of human rights (Manskliga Rättigheter, 2013). The first action plan was adopted in 2002 and concerned a three-year span until 2004 (National Human Rights Action Plan, 2001). This plan describes the responsibilities of Sweden, its objections on a long term, and the different actors and their role in achieving the improvement of the full realization of human rights. Furthermore, it discusses how to deal with issues such as human rights education and the mechanisms through which the follow-up of this action plan is evaluated.

One of the actors mentioned shortly is the municipality and its role in fulfilling the human rights obligations (Abiri, 2013; Jacobson, 2013; Martinsson, 2013, Johansson, 2013). They mention the important role the municipality plays in the realization of human rights, especially when looking at the more practical side. Because the municipality often deals with the practical issues, it can be considered to be a crucial part of the process of complying with human rights (National Human Rights Action Plan, 2001). The second action plan was more extensive on the role of the municipality and explicitly addressed the relationship between local social issues to human rights (Abiri, 2013). Besides referring to the municipality as an important agent in this process, this plan focused on the fact that a great part of its work consists of social tasks that directly affect individuals (National Action Plan for Human Rights 2006 – 2009, 2005). Therefore, it is stated in this plan that the national governments aims for a larger amount of municipalities and county councils to also adopt the long-term objective, namely the full respect for human rights. This is theorized to help municipalities to work consciously and explicitly with human rights in their operations. Furthermore, it can have positive effects for the municipality itself through making it a more attractive living and working environment. Finally, the government describes in which ways the government will provide full support for the municipalities in this process, for instance through discussions

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1 In 1993 the Vienna Declaration and Programme of Action was adopted. This declaration recommended states to consider to draw up national actions plans discussing the steps the State would go through in order to improve the promotion and protection of human rights (Office of the High Commissioner for Human Rights, n.d.)

with the Swedish Association of Local Authorities and Regions and creating a handbook on human rights in municipal activity (National Action Plan for Human Rights 2006 – 2009, 2005). Currently, the municipality of Gothenburg indicates that it is waiting for the third national action plan for further guidance (Abiri, 2013).

### *3.2 Gothenburg: Municipality and University as Main Driving Forces*

As a consequence of the action plans mentioned above, the municipality of Gothenburg itself has become a main driving force in the development toward becoming a HRC. Their interest in dealing with human rights related issues is for instance exemplified by the creation of special units such as a diversity unit and a minority unit (2001), which concentrate on improving the image of minorities and migrants within society and providing them with equal opportunities (Jacobson, 2013). In this way, the municipality tries to transform the negative image migration has and attempts to show migration can be something positive through which the city can prosper (Jacobson, 2013). At the origins of the city's approach of human rights is the university that has been pushing the municipality's intentions (Johansson, 2013). Thomas Martinsson<sup>2</sup>, a politician who focuses on human rights, contacted the university to seek advice, which triggered the municipal attention for human rights in the city. Since then, the municipality actively sought to create policies that are now presented in the budget with clear reference to human rights (Martinsson, 2013). The topics of these policies range from improving gender equality even more to persons with disabilities (Martinsson, 2013). A main tool used by the municipality is surveys and analyses that lead to a better living environment (Göteborgs Stad, 2013c). The fact that the municipality has been the main driving force so far clearly indicates a top-down approach. The pressure to become a HRC predominantly came from the social-democratic party, the dominant party in Gothenburg. This social-democratic party has formed a coalition with the Green Party and the Left Party since the 2012 elections

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2 Thomas Martinsson is a politician and deputy mayor for the Green Party in the municipality of Gothenburg. His party is in a coalition with the Social Democrats. Mr. Martinsson himself is in the executive board of the municipality and is responsible for cultural and rights issues. This covers integration, gender equality, people with disabilities and human rights. He has worked on these issues prior to being elected as well.

(Göteborgs Stad, 2013). Since 2007, the municipality included references to human rights in political documents and in the city budget (Martinsson, 2013). Gothenburg has been described as an enthusiastic city with regards to politics and many politicians have now picked up on the city's approach and have expressed to be willing to adhere to human rights in local policies (Abiri, 2013; Jacobson, 2013; Martinsson, 2013). Notwithstanding, one may point out that the desire to engage with human rights as a city is still very much dependent on several individuals, primarily the politician Thomas Martinsson and the human rights department of the municipality. This is not yet spread out in the municipal structure.

As aforementioned, the university seems to have had an important indirect influence in fuelling the interest in human rights in the municipality. Mrs. Abiri (2013)<sup>3</sup>, now consulting independently, was at the roots by lobbying for a human rights approach when employed by the university (Martinsson, 2013). Furthermore, bachelor students of the human rights department of the university do interviews with the municipality or their rights compliance and, for some years now, civil servants and politicians slowly start recognizing that they are working with human rights (Johansson, 2013). In the future, it may be likely that the university becomes more involved in shaping the municipality's strategies for human rights implementation (Johansson, 2013).

Finally, civil society and grassroots NGOs have also raised their voices concerning human rights issues, but many organizations do not prefer to use human rights language and therefore actively refrain from using the discursive framework (Resic, 2013). Connections between the local authorities and the grassroots organizations are often solely financial supportive relationships, where the organizations value emphasizing their independence from the authorities in any other way (Resic, 2013; Martinsson, 2013). The municipality, then, does find value in the work that these grassroots organizations do, but their involvement is limited to their financial support.

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3 Elisabeth Abiri works for a consultancy firm called Emerga Consulting. She is a senior advisor on human rights implementation. Prior to working for this firm she worked at the university of Gothenburg. She holds a PhD in international relations and human rights. She mainly consults to authorities and has been at the root of the human rights implementation in Gothenburg itself, in close cooperation with the municipality.

All the influential factors set out above put forward several main motivations for the city to engage with the human rights concept. Firstly, the human rights concept is used to give the city a profile toward its own citizens rather than toward external parties (Johansson, 2013). Secondly, human rights are considered to be effective in framing the city's vision and thus to capture the perception on how the city and municipality should function (Johansson, 2013; Jacobson, 2013). Gothenburg has, in line with this, given itself the slogan 'One city for everyone' (Jacobson, 2013; Genborg, 2012). Moreover, ethical reasoning seems to be inherent to the city's approach (Jacobson, 2013). Implementing human rights on the local level, based on notions of social justice, is perceived to be the right thing to do. Furthermore, economic motivations in terms of marketing of the city to emphasize the city's open character and to attract businesses are coming to the surface just recently and are not very dominant. If the city chooses, there is still a lot of potential to label and market the city as a HRC (Jacobson, 2013; Johansson, 2013). Lastly, and most importantly, the human rights concept offers the municipality the opportunity to grasp different social issues into one framework (Abiri, 2013; Johansson, 2013). It fit well with the initial interests and responsibilities of the municipality and allowed to express those tasks in a rather universal way. Here, the motivation is the fact that human rights can function as an umbrella under which many of the values and social policies of the city can be brought together and connected.

#### **4. Instruments and Mechanisms**

The history of the city supported by national policies of Sweden thus created an environment in which the city of Gothenburg could develop a framework for localizing human rights. Due to the motivations mentioned above, the municipality decided to adopt several instruments through which they could implement human rights at a local level, showing their relevance to local problems. Human rights policies, however, are still in their infancy within the municipality of Gothenburg, as advanced human rights mechanisms have not been put in place yet. An example of this can be found in the fact that even though the city district boards have a member specifically defending the interests of human rights in addressing problems, there is still no human rights monitor present in the city to assess the impact of implemented policies. Nevertheless, some instruments have been

developed in aiding the implementation of human rights, which will be discussed below.

#### *4.1 The Budget of 2013*

A first main instrument in implementing human rights in the urban policies of Gothenburg is the budget. This annual document compiled by the municipality of Gothenburg shows the allocation of funds for the upcoming year in the city. It is not merely a table showing simply which department is entitled to a certain amount of money. It is predominantly a narrative of the plans on which the municipal government wants to focus in the upcoming year and the themes on which they want to focus in their policies for the city. This makes the budget the central document outlining the main policy points of the upcoming year and the role of human rights in it.

In the past, the term ‘human rights’ was completely disregarded when compiling the budget. However, the budget of 2013 marked a significant development (Göteborgs Stad, 2013c). Human rights came up in the public discourse in 2011, when the budget stated that the city of Gothenburg is “also aiming to implement the UN Declaration on human rights and children’s and women’s conventions into everyday life. All activities must have an integrated gender and diversity perspective, characterized by a holistic approach that provides the ability to leverage existing resources optimally to meet Gothenburger’s overall needs” (Göteborgs Stad, 2012b). In 2013, for the first time, human rights have been explicitly mentioned in the budget not only as one of many focal points, but also as a chapter heading—as an important focal point in the urban policies of Gothenburg. For many human rights experts, this exemplifies the recent trend of Gothenburg’s policy makers to include human rights as a framework for urban policies. Respondents gave many motivations for the insertion of human rights in the budget. First, with this explicit mentioning of the term ‘human rights’ in the budget, policy makers could set an agenda of human rights vis-à-vis other civil servants in the administration. This agenda setting could even contribute to increasing human rights education among these civil servants. Moreover, with a clear human rights agenda, future funds could be secured in order to further the implementation of human rights in the urban policy. With these funds a human rights monitor could, for instance, be established in the future.

A second function of the budget is raising awareness of the contemporary policy objectives of the government. In this way, by mentioning human rights in the budget, there will hopefully be an increase in people addressing local issues in terms of human rights. This is because it can function as an overarching framework of human rights to which already-existing problems can be linked. Lastly, mentioning these rights serves as an acknowledgement of their relevance to local discourse and decision-making. It shows that rights such as the rights of minorities are relevant in the discussion on equality within the city.

A last important function of the mentioning of human rights in the budget is that it entails a first step toward implementation. As Peter Johansson<sup>4</sup>, head of the human rights track of the global studies program at the University of Gothenburg, aptly put it: “If it isn’t in the budget, it doesn’t exist” (Johansson, 2013). The key provision of the budget is that it shows, as said before, the commitment of the political parties to have policy goals that they want to share with the rest of the municipality. But this budget also shows the political focus toward the outside, raising awareness within civil society as well. Since many of the local NGOs and grassroots organizations outside the municipality will have knowledge of this budget as well, the overall awareness level of human rights within the municipality level as a whole rises. A downside of the budget in this way is that it is only available in Swedish, which excludes some parts of civil society.

Thus, there are many ways in which human rights can be made relevant at the municipal level through using human rights language in the budget. The practical implementation of these policies, however, sometimes proves to be difficult. As Ms. Abiri explained, the aims and political ideas are reflected in the budget, but not in the city’s identity. She expects this to change in the upcoming years, but at the moment the city has not adopted human rights completely yet. An example of the gap between policy and practice can be found in the practices of the city’s anti-discrimination office. Recently established, this office provides legal assistance in all matters related to discrimination. But instead of referring to human rights, they will in almost

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4 Peter Johansson is a senior lecturer at the school of global studies at the University of Gothenburg. Next to teaching human rights courses he is also a researcher. Moreover, he is involved in ‘teacher education’ where he tries to develop new perspectives that can be implemented. His responsibility is to ensure that the human rights perspective is also implemented.



all cases use the Swedish Law in order to assist people. In the view of Ms. Resic<sup>5</sup> (Resic, 2013), a lawyer working at the anti-discrimination office, human rights remains an abstract international framework and the people working at the office are afraid of not being able to relate to those who need help. In that sense, a policy geared toward human rights might improve the awareness within civil society, but the practical implementation cannot always follow that easily.

#### *4.2 Funds of the European Union*

A second instrument with which human rights are implemented in the urban policy is with funds from the European Union. In 2010, the city of Gothenburg secured funds to upgrade the existing area of Angered, an area in the north east of Gothenburg known for its diverse immigrant population and 1970s project housing. As the development started, a framework was needed as an overarching umbrella for the project. With the assistance of Elisabeth Abiri, the project leaders decided on using human rights as a framework for this new development project. As Susan Runsten<sup>6</sup>, project manager of 'Development Gothenburg NE', said: "We looked at the budget and we thought, why not use Human Rights as an approach to these issues of [fulfilling EU mandated] criteria for this project" (Runsten, 2013).

Human rights were thus used as a framework in order to involve all people and to put the rights of people in the center of what they are working toward. This is especially relevant considering the socio-economic status of most of the inhabitants in Angered: a large immigrant, working class community. Instead of focusing solely on revolutionary urban design, or efficient use of material, the focus of the urban development lay in the rights of the eventual users (Utveckling Nordost, 2013). An example of this can be found in the design of the new landing platforms for the trams, which focuses on the rights of the disabled. More examples of this approach of human rights centered development become evident by looking at problems with the rights

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5 Anela Resic is a lawyer who partially studied human rights. Now however, she is mainly focused on anti-discrimination. She works at the recently established anti-discrimination office.

6 Susan Runsten works as the project manager for 'Development North East'. This EU funded project aims to improve the North Eastern area of Gothenburg, which is home to many migrants. The segregation issues are quite prominent in this area. Runsten tries to incorporate human rights in developing this area.



of minorities, right to housing, right to access of education, and the new developments in Angered enabling those rights to materialize.

#### *4.3 The Usage of Human Rights Language*

A third theme that came to the foreground in all interviews was the usage of human rights language. Not only can the usage of a human rights framework be a motivation for the city to become a HRC and gather all its policies under the umbrella term, but according to many of the interviewees, this language should be used and implemented in the city as a means to achieve the notion of being a HRC (Abiri, 2013; Martinsson, 2013; Jacobson, 2013; Johansson, 2013). Various actors explained the importance of using this language differently. Professor Johansson, for example, stated that: “If you want a human rights based society, I think you have to talk about rights because otherwise something is lost in translation, and this is where Sweden is sort of heading now [...] your rights are dependent on your [someone else’s] rights, they are everyone’s rights.” Deputy Mayor Martinsson (2013a) had different reasons for wishing the human rights language would be fully incorporated: he feels that the focus in society should be shifted from the needs of some to the rights of every single civilian. Municipal officer Jacobson<sup>7</sup> also feels that human rights should be regarded as belonging to everyone because in this way, it can actually be applied to the local level and everyday life. The difficulty, as the majority of the interviewees (Abiri, 2013; Jacobson, 2013; Johansson, 2013) point out, is the lack of a human rights discourse. The usage of the human rights framework has been implemented in some policy papers and especially in the budget, but somehow has stayed limited to the official documents only.

An example of this could be Anela Resic of the anti-discrimination bureau, who indicates that although this NGO is sponsored by the municipality and applies law to discrimination cases, they would rather refrain from using human rights than actively adopt it, simply because the national law provides a better basis for their discourse than human rights does (Resic, 2013). Additionally, several others indicated that the cooperation between the municipality and

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7 Anna Jacobson is a municipal officer who has worked for the city for twelve years. At the time of the interview, she worked with the coordination of the management of the city. This included ensuring that human rights are integrated into the management of the city.

NGOs on the basis of human rights language is not very advanced (Abiri, 2013; Martinsson, 2013). Therefore, it can be theorized that a significant gap exists between the aspirations and documents of the municipality and the actual reality in the work field. According to the interviewees, if Gothenburg really wishes to become a HRC, this human rights framework should be implemented more thoroughly throughout the entire city and become part of everyday speech. Therefore, the municipality has tried to come up with several solutions to tackle the absence of widespread usage of human rights terminology.

For one, the municipality tries to actively engage in spreading information about human rights ideas, language, and awareness among all civil servants. Anna Jacobson and Lisa Hederstierna both work in the unit responsible for the strategic coordination and management of human rights in the city. Among their different tasks, the women and their units have tried to come up with initiatives that inform all municipal workers on how to use human rights in their respective fields. For instance, they have send video tutorials and leaflets explaining equality to all these units. The idea is that the municipal workers will at least be educated on human rights and, through this, will spread the idea to more people, or as Jacobson (2013a) puts it: “It is a way of making people speak in terms of human rights, to trick them in a way.” However, they both state that it is difficult to find ways to extend the city’s human rights approach to all municipal workers, whereas they are the ones that have to come up with all the initiatives themselves.

However, their unit consists out of only eight people, who have not been given guidelines on what to do, since the human rights approach is such a new and alien concept. This results in having a slow process of educating and incorporating human rights in the work field. Moreover, Martinsson indicated that the municipality should engage in ensuring the employees in the public sector that human rights are not an abstract concept, but have already been present in the work they are doing. This indicates that reframing of existing activities in terms of human rights will improve the implementation of a human rights framework in Gothenburg. However, the work that the municipality has to do in terms of reframing should not be underestimated: Professor Johansson believes that in educating thousands of employees, it will take a long time before issues will actually be discussed in a human rights language. If each individual employee has to know which human rights he/she is working with, they will have to show an interest and actually read documents such as the UDHR.

A second aspect of the educational measures that the municipalities undertake is the organization of events, which can be used to spread the awareness of human rights. Several of these events have been organized over the past year, such as the human rights days. These are national conferences that are organized every year in Sweden, hosted by different cities. Gothenburg was host last November and the municipal officers working on the implementation of human rights Jacobson and Hederstierna<sup>8</sup> were responsible for inviting the organization to Gothenburg. Moreover, the municipality made sure to invite high school students and paid for their tickets to ensure human rights are also integrated in school systems. Other means of spreading awareness include the organization of the annual LGBT festival, as well as themed exhibitions and days focused on minorities, such as the Roma exposition in the local museum. The museums and theatres can be influenced to portray as many human rights aspects in their programs as possible. This seems to work as the institutions often focus on problems of equality, society, and human rights in general. However, to make the education and awareness, and implementation of a human rights framework more successful, a greater budget should be given to the municipal workers to realize this.

## 5. The Implications

Even though Gothenburg is well on its way to become a full-fledged HRC, there are still quite some hindrances that need to be overcome. There are several barriers that can be pinpointed to make this process more difficult. One of the difficulties is the lack of connection between the municipality and the local movements and NGOs. The movements are institutionalized and refrain from involvement with the municipality. Furthermore, maybe even the biggest barrier is the degree to which the continuation of this process rests upon a limited amount of individuals. The current movement toward human rights is due to individuals within the municipality who are strongly affiliated with human rights and on the fortunate combination of parties that form the coalition in the executive board. The elections coming up in 2014 can, however, in theory lead to change depend-

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8 Lisa Hederstierna is also a municipal officer, who works in close cooperation with Jacobson. Hederstierna's unit works for national minorities and human rights. Her work also includes ensuring that human rights are implemented throughout the city.

ing on their outcome. Therefore, the maintenance depends on the ability of the current leading individuals to get human rights as a focus point in the structure. If this succeeds, the city will hold more promise on the long-term because this would make the continuation less dependent on individuals (Johansson, 2013).

Even though there are benefits worth mentioning to the becoming of a HRC, there have not been real visible results yet. An important point of progress that is mentioned by several actors is the increase of awareness in Gothenburg on the issue of human rights, which on the long term will make the transition to a full implementation of this concept in the city's structure more gradual (Abiri, 2013; Jacobson, 2013; Martinsson, 2013). This is important to create a rights-based society and that one does not speak of the needs of people, but of the rights of people. The increase in awareness is mostly due to the incentive to hold certain events such as having the national human rights days in Gothenburg and the celebration of International Romani Day for the third year in a row. The latter even is part of an increase in trying to raise awareness for the Roma culture and their right to exist. Currently, there is also a Roma exhibition going on in the Gothenburg museum, which is called 'We are Romani people' and is there to present their history, culture, and individuals (Kendall, 2013). Awareness can therefore also be seen as an important key to the internalization of the international norm of human rights, contributing to the long-term vision of the municipality. An example of the positive effect of raising awareness was the perception and acceptance of the LGBT community. Since 2006, the city has been focusing on improving LGBT rights, which has had positive results until now (Jacobson, 2013). As stated by municipal officer Anna Jacobson, "nowadays, it is better to be gay than Christian when working at the municipality" (Jacobson, 2013a). Furthermore, the municipality ratified the council's minority treaty and Roma inclusion, consequently acknowledging the Finnish language as an official, recognized language. Nonetheless, as mentioned before by Ms. Abiti, there is still room for improvement concerning reframing local issues into human rights. The example given by her is the number of high school dropouts, which can be linked through the right to education. If one reframes it like this, it would get more attention and might be taken more seriously as a problem.

As mentioned before, there are benefits that derive from using the human rights approach for the city of Gothenburg. One of them is the increase in the use of human rights language that was mentioned

earlier on in this chapter. The advantage of using this language and framework is mostly for the municipality, since this framework was perfect to form an umbrella for a broad range of different existing problems. A direct labeling in terms of human rights is now taking place, through which it becomes clear that people have been working with human rights all along, but only by a different name. However, there still seems to be a taboo on the use of human rights language, meaning that it still can even develop more. This is also one of the factors that strengthens the gap between the municipality and the local movements: the municipality is a strong promoter of the use of this language, while amongst the local population there is still a strong urge to refrain from human rights. An example of this can be seen in law, where Swedish lawyers are still reluctant to refer to the international framework but rather fall back on national law simply because they find it a more practical and effective approach (Resic, 2013). A significant deficiency in detecting both the benefits and the pitfalls of being a HRC is the lack of a human rights monitor. By not having a body or an instrument to measure the process of implementing human rights, there is no follow-up on assessing the impact of having human rights policies in the city. This brings us to the pitfalls that need to be considered when taking this human rights approach as a city.

### *5.1 Barriers to the HRC Process*

There are several factors and pitfalls that can slow down, or even thwart the process of becoming a HRC. The first barrier, which does not only apply to the city of Gothenburg, is the current economic situation. Fear of economic instability often leads to an intolerance toward non-nationals and can therefore be called a stimulating factor of xenophobia and racism (Johansson, 2013). This has been supported by many studies that conclude that economic threats cause anti-minority prejudice in Europe (Hjerm & Nagayoshi, 2011).

Furthermore, there are political aspects that can play a role in the succeeding of the human rights approach. First of all, incorporating the human rights discourse comes with certain obligations. This can lead to politicians making promises they cannot keep, especially not with cutbacks on the budget of the municipality due to the economic situation. The latter decreases the feasibility of the policies that are part of this process. On the other side of politicians with great promises, there are also the politicians who are afraid of using

this discourse because of the broad scope of human rights. They feel the weight of the obligation of protecting all the rights of everyone, which is the meaning in essence, but it is unrealistic in a short term. Moreover, it can result in losing overview and a broad, step-by-step approach that results in not achieving anything at all. Another difficulty that can be derived from this broad scope is the defining of what can and what cannot be considered to be human rights. As said before, at this point in time, there could still be more reframing of certain issues. However, this should be limited to a certain extent because by including too much in this definition, the concept of human rights can get too 'watered', as named by Professor Johansson. This meant that the increase in referring to human rights can result in the diminishing of the effectiveness and functionality. Finally, a lack of understanding by civil society, or refusal by the latter to embrace these norms can also influence the maintenance of the implementation of human rights policies.

Besides the aforementioned issues, the department of the municipality that deals with the practical implementation of human rights runs into difficulties because of the fact that the concept of HRCs itself is not fully developed. There are no guidelines concerning how to make and execute methods. However, this keeps the problem of uncertainty regarding the rightness of the invented methods. Additionally, the invention of various methods and finding the most correct way to execute these methods takes a significant amount of time, which slows down the process (Jacobson, 2013). A final barrier mentioned by Thomas Martinsson, one of the deputy mayors of Gothenburg and one of the leading individuals in this process, is the struggle one encounters when dealing with social and economic rights.

At the end of the day, the added value of human rights initiatives in the city of Gothenburg is the fact that they bring together different facets to create a platform that links issues and policies (Martinsson, 2013). Even though the human rights discourse is not fully incorporated yet, the increase in the usage indicates and focuses on an increase in the awareness of human rights. Through a higher awareness of certain issues being related to human rights, they become a more stable factor in society, which contributes to long-term visions. If the politicians continue this way and come up with more policies that are aimed at specific groups and it could lead to a more coherent human rights framework. Due to the strong political enthusiasm for the issue of human rights, the HRC initiative has a high chance of succeeding. However, it is important to note that in order for this to happen, the

human rights movement in the city should not only connect to local actors, but also fully integrate the concept in the steering documents and the budget. Furthermore, the usage of human rights is also a good element in stimulating a positive relationship between the authorities and the citizens of Gothenburg (Abiri, 2013; Martinsson, 2013).

## **6. Conclusion: Future Prospects on Human Rights in Gothenburg**

Over the last years, human rights have started to become a central theme in urban policies. Since the inception of several units in the municipality in 2001, some key actors in the municipality have put the notion of human rights on the urban policy agenda. Central to this development are individuals like Mr. Martinsson, Ms. Jacobson, and Ms. Abiri, who push the human rights agenda forth in the political discourse. Efforts by these people to work together with many others have led to more awareness of human rights in the city, especially within the municipal administration. Yet, the city decides not to make a marketing spectacle out of these policies. Their intentions are predominantly ideological. The focus is including citizens in civil society by making them aware of their positions as right holders of human rights. The marketing approach in this is virtually non-existent, as the city does not promote its practices very much with regard to human rights outside its border.

Despite these great efforts, there are some issues that should be resolved before the human rights implementation can take full effect. As set out before, a gap between the municipality and civil society remains in place. The framework of human rights works very well within policies, but the practical implementation of these policies does not always resonate within civil society. Organizations like the anti-discrimination office continuously refrain from using human rights language, but instead only use the Swedish law to solve issues on migration, exclusion, and discrimination. Even though the human rights framework is in place, these NGOs are afraid that they will alienate the people they are trying to help. In future policies, the municipality should work toward reaching out to these NGOs and trying to work together in implementing human rights awareness. The top-down approach with which this development initially started should move toward a symbiosis between NGOs in civil society and the municipality. In this way, the urban policies can actually be put into practice and materialize. Furthermore, the lack of a human rights

monitor means that there is no data available on the effects of politics and the process of adopting human rights in the city's policies.

Many steps toward a complete HRC have, however, been made. The 2013 budget and the framing of urban problems are the best examples of this. With the inclusion of a chapter on human rights in the 2013 budget, human rights was set on the urban agenda and awareness has been raised on human rights as a frame of reference when talking about urban and social issues. This is also what is important in trying to address what sets Gothenburg apart from the other cities in Sweden. Moreover, with the framing of local issues in terms of human rights, this can be used as an umbrella under which all of these issues can be captured and addressed. It remains, however, vital that human rights as a framework moves from its initial inspirers to the city's identity, as Ms. Abiri says. Human rights can only become an integral part of the city's policy and of civil society when the ideas are carried by not just key policymakers, but by a large part of the municipal administration and civil society.



# York: Telling A Different Story about Human Rights

## 1. Introduction

In October 2011, Professor Paul Gready, founding Director of the Centre for Applied Human Rights at the University of York, coined the idea of making York a HRC. Inspired by the PDHRE's guidelines for the formation of a human rights city, he set up a steering committee in which the main sectors of society were represented (Marks, Modrowski & Lichem, 2008: 47). These included local community groups such as Refugee Action York and Amnesty International York, local authorities such as the City of York Council (CYC) and the North Yorkshire police, and local human rights supporters such as Stephen Pittam of Joseph Rowntree Charitable Trust, the York-based grant-making foundation. This steering committee set up a year long pilot project, named the 'York HRC Project.' They explicitly decided to keep the project low-key during the pilot phase rather than declare York as the first HRC in the United Kingdom immediately. Many steering committee members knew the rather conservative nature of the local community in York from within and thus expected a strongly negative response to an official human rights label for the city. Therefore, they intended to build a bottom-up movement within the local community. Gready (2013a) explains: "The public response to any great announcement would be: "Who the hell are you to say this is a human rights city?" And well, fair enough, I think if you're going to say this is a bottom-up movement, then you have to try and build a bottom-up movement, as opposed to just having a bunch of people of the university or the middle-class elite organizations decide that something is a human rights city."

This chapter is an exploratory case study on the York HRC (YHRC) project. It aims to outline this recent project by mapping out the network of different actors involved and their motivations, intentions and aspirations for the project, as well as the instruments and mechanisms the project has introduced to engage the city of York with the international human rights framework. The national and local

contexts in which these efforts are embedded as well as the barriers and potential pitfalls of the project are also discussed. Ultimately, this case study is intended to contribute to a better understanding of the phenomenon of the human rights city, of which York can be considered an example. Most of the data on which this case study is based was collected through semi-structured interviews with eight relevant actors involved in the YHRC project. Face-to-face interviews were conducted with Professor Paul Gready, Andrés Jaroslavsky, the main executor of the project, Stephen Pittam, recently retired Trust Secretary of the Joseph Rowntree Charitable Trust, Dave Fleming, the CYC's representative on the YHRC steering committee, Mark Khan from the North Yorkshire Police and Black Police Association, Rev. Paul Wordsworth from York City of Sanctuary, and Barbara Lodge from Amnesty International York. In addition, Skype interviews were conducted with Rachel Statham, a graduate student at the University of York and chair of the University of York Amnesty International (UYAI), Jane Collingwood, CYC's lead officer in the York Fairness Commission, and Cllr. Sonja Crisp, elected member of the CYC. Through email correspondence with Rita Sanderson, chair of the York Racial Equality Network, and Ruth Redfern, former chair of the York Fairness Commission, additional information on social justice-related activity in York was obtained. Furthermore, primary literature related to the project and the socio-economic situation in York was analyzed. Many of these documents are not available online, but were retrieved through York-based organizations, such as the Joseph Rowntree Foundation and the York Fairness Commission. The minutes of the steering committee meetings were analyzed to come to a better understanding for how the project came into being and what role each of the involved actors plays in the project.

This case study starts with a theoretical framework in which the national and local context are introduced from an administrative, historical, and social perspective. A good understanding of the national and local situation is essential because the project is embedded in and derived from this context. The theoretical framework is followed by an outline of the project in terms of motivations, driving forces, mechanisms and instruments, barriers and potential pitfalls, and its ultimate added value. As the project was launched fairly recently, the main focus will be on motivations and intentions behind the project. Furthermore, the perception of the actors involved on the future of York as a human rights city is discussed. In conclusion, lessons are

drawn from this case study that contribute to a better understanding of the phenomenon of the human rights city.

## **2. National Context: Human Rights in the United Kingdom**

The United Kingdom has the international reputation of a ‘champion in human rights’, and was one of the founding fathers of the ECHR (Marston, 1993: 825; Simpson, 2001: 528). However, throughout the past decade, the term human rights has become an increasingly controversial term in the British public debate. The following section outlines the legal position of human rights in the national British context and subsequently describes the attitude of opposition in the national public debate.

### *2.1 The Legal Standing of Human Rights in the United Kingdom*

The domestic application of international human rights law has a relatively short history in the United Kingdom. Although the United Kingdom was one of the countries that drafted and signed the ECHR in 1951, it was not transposed into national law until 1998, when the United Kingdom adopted the Human Rights Act (HRA), which became enforceable in 2000 (Feldman, 2011: 79).<sup>1</sup> The HRA “brought human rights home”, by offering domestic remedies that allowed for referral to human rights without the direct need for recourse to the European Convention (Bellamy, 2011: 96).

In addition to the HRA, there are several other acts in national British law that codify human rights principles. In 2010, the Equality Act was drawn up, replacing all previous anti-discrimination laws with a single act). The Equality Act, which is compatible with the HRA, strengthened the protection of parties at risk and clarified anti-discrimination law. Before the Equality Act, there were several other pieces of legislation that covered anti-discrimination in the United Kingdom. These included the Sex Discrimination Act of 1975, the Race Relations Act of 1976, and the Disability Discrimination Act of 1995. The Equality Act bound the procedures for all these previous Acts together and streamlined the complaints mechanism, ensuring

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1 As the United Kingdom is a dualist state, international or European treaties have to be transposed into domestic law before domestic courts can enforce treaty rights and obligations.

that everyone would be granted the same protection (UK Government, 2013a).

## *2.2 Human Rights in the National Political Landscape: Rights Resistance*

Ever since its adoption, the HRA has been controversial (Young, 1999: 28). Many politicians were opposed to the act because they feared it would limit them in the implementation of their socialist economic programs, or saw it as a potential threat to parliamentary sovereignty (Bellamy, 2011: 87; Feldman, 2011: 65). In addition to this political opposition, the HRA came into being with a lack of popular support. A small number of specialist civil society organizations promoted the legislative change and can be considered the intellectual authors of the act (Pittam, 2013). The government at the time rejected the proposal to create a Human Rights Commission to take the lead on education and advocacy for the new act. Civil society organizations attempted to take on these roles, but they failed to generate broad-based public support and created no more than a “semblance of public support” through their campaigns (Gready, 2013a). As a consequence, the general attitude of the British population toward the HRA, which has been strongly influenced by the way in which the national press presented the act, is rather hostile (Gies, 2011: 169; Gready, 2013a; Khan, 2013). In particular, the right-wing oriented tabloids are notorious for their use of “inflammatory rhetoric”. For instance, they refer to the HRA as the “villain’s charter” (Gies, 2011: 167). According to Klug, “the tabloids have effectively created a subtitle to the act in the public’s mind which reads: human rights for FTPs: foreigners, terrorists, and pedophiles – law abiding citizens need not apply” (2007: 714).

The general lack of support for the HRA increased even further during the first decade of the 21st century when the notion of human rights became even more contentious after the 9/11 attacks in the US and 7/7<sup>2</sup> bombings in the UK (Gearty, 2005; Gies, 2011: 169; Pittam, 2013). The Labour government that had introduced the HRA and had initially been very supportive of it increasingly viewed the act as a restraint on its power after it was used to challenge some of its anti-

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2 On July 7, 2005, often referred to as 7/7, four suicide bombers attacked the public transport system in central London.

terrorism measures<sup>3</sup> (Ewing, 2010; Pittam, 2013). The poor reputation of the HRA is reinforced by the image that it is ‘European’ law imposed on the UK by Brussels. Even though the European Union and the Council of Europe are different entities, the ‘human rights issue’ and the ‘European issue’ are not differentiated in the public debate (Khan, 2013; Lodge, 2013). The place of the UK in the EU, European integration, and border control are central in the debate about the EU (Giest, 2011: 169; Klug, 2007: 707).

Despite the political opposition and general ‘hostility’ toward the HRA in the public debate, most people supported the main rights contained in the act such as the right to freedom of expression. The public generally associated the term human rights with the rights of asylum-seekers and terrorists, but did not place the rights of elderly to dignified treatment in a care home, the rights of people with disabilities to access to public spaces, or the right to transparency in local government decision-making in the same framework (Gready, 2013a, 2013b; Pittam, 2013).

Before the 2010 general elections, the Conservative Party introduced the idea to replace the HRA with a British Bill of Rights. This Bill would have a strong ‘home-grown’ character and make the rights of the ECHR ‘British rights’ for British citizens rather than for all people in the country (Gies, 2011: 169; Pittam, 2013). This way, human rights legislation would no longer challenge anti-terrorism legislation and prevent the deportation of foreign nationals who could be subject to torture, and thus be less restrictive on the power of the Government (Khan, 2013). It is in the context of this national debate that we should see the development of York as a HRC.

### **3. Local Context: York from an Administrative, Historical and Social Perspective**

To get a good understanding of the local context in which the YHRC project is embedded, this section will analyze this context from a socio-legal, administrative, historical, and social perspective. First of all, the relationship between the national and the municipal government in the United Kingdom is discussed from a socio-legal

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3 The anti-terrorist legislation for instance allows for the detention of terrorist suspects for 14 days instead of 48 hours, and gives them fewer or more constrained rights than other suspects (Khan, 2013).

perspective, as this has important implications for the implementation of human rights at the local level. After that, the administrative structure of the city is briefly discussed. Subsequently, York's social justice history is outlined, as York has a rich history when it comes to social justice that the YHRC project uses to strengthen the legitimacy of the project. Thirdly, to get a better feel for the social issues currently at play in the city, the social situation in the city is briefly discussed. Finally, an overview of the main human rights-based initiatives in the city that were already in place before the start of the project, is provided.

### *3.1 York's Administration*

Many parts of England have two tiers of local government: the county councils and city councils. Other parts have a unitary tier of local government providing all local services (UK Government, 2013b). In 1996, York's administrative structure shifted from a two-tier structure of local government into a unitary authority, like many other parts of England, Scotland and Wales. This means that the CYC is responsible for all services provided by the government in its territory, including education, housing, strategic planning, transportation planning, passenger transport, social services, and waste disposal (UK Government, 2013b). The central government provides local governments with funds, along with directives they must follow. The local government then decides how to interpret the directives, collects the Council Tax, and arranges social workers and public places.

York consists of 22 electoral wards, which are all represented by one or two Councilors (Without Walls, 2010: 16). These Councilors are elected by inhabitants of the ward, which can therefore be seen as a micro-democracy (Fleming, 2013). One of the tasks of the Councilors is to advise the CYC on the type of social services it should provide based on the wishes of the people living in their wards (Office of National Statistics, n.d.). Currently, the Labour party is in charge of the CYC.<sup>4</sup> Its five priority objectives are economic growth and creation of jobs, improvement of the transport system, stronger community cohesion, protection of vulnerable people, and protection of the environment (City of York Council, 2011a: 2). In theory, all local

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4 The current city council has been in office since 2011 (City of York Council, 2011b).

plans and policies have to be linked to one of the Council's five priority objectives (Collingwood & Crisp, 2013; Fleming, 2013). Although these objectives are in line with fundamental human rights principles, municipal policies hardly ever explicitly refer to human rights.

### *3.2 Local Community Characteristics*

The city of York consists of a compact urban area surrounded by several smaller villages, which are closely connected to the city. The urban area is predominantly socialist and progressive, while the surrounding suburban settlements are mostly conservative (Lodge, 2013; Without Walls, 2012: 7).

As York is not a dispersal city (Pittam, 2013), there are not many migrants and refugees in the city. Over 95 percent of the city population is white, of either English or Irish descent (Without Walls, 2010: 20). Moreover, York is a fairly prosperous city of middle-class nature. The dynamics within the local community of York can be characterized as very traditional (Jaroslavsky, 2013a; Lodge, 2013). The universities of York are progressive forces in the city, but since students tend not to integrate into the local community, the dynamics of the 'university world' and the local city community remain separate and disconnected (Pittam, 2013).

### *3.3 York's History of Social Justice: From Jewish Massacre to Philanthropic Chocolatier*

York's local history can be characterized as a "history of social justice" (Gready, 2013b). This history includes human rights violations as well as contributions to the development of a national agenda for social justice and human rights. In mid-March 1190, the entire Jewish community of York, which consisted of about 150 people, was massacred in the royal castle (Dobson, 1974; IPUP, n.d.). The effects of this dramatic event are still visible today, as the Jewish community of York is still small and the city has no official synagogue (Khan, 2013). In 1212, less than a century later, York became a pioneer of local democracy and democratic innovation when the York citizens created a council led by a mayor to manage the city's affairs as one of the first cities in the United Kingdom (Gready, 2013b). This laid the groundwork for the democratic and social initiatives that followed.

One of the most prominent social initiatives was started by Joseph Rowntree, the founder of one of two chocolate factories in York,

at the end of the 19th century. As a philanthropist and a Quaker<sup>5</sup>, he created good working conditions for his employees by providing them with welfare policies such as social housing, free education and free healthcare as one of the first employers in the United Kingdom (Milligan, 2007). In 1904, Joseph Rowntree gave 54 percent of the shares of the Rowntree company to three foundations each of which bear his name. The foundations have a social justice orientation and work in a number of fields including research in housing, social policy, peace, justice, democracy, and engaging in local social and community action work (Joseph Rowntree Foundation, n.d.). The Joseph Rowntree Charitable Trust, one of these foundations, has grant-aided most of the national specialist human rights organizations in the UK (Pittam, 2013).

### *3.4 Social Issues in Contemporary York*

When it comes to local social issues, York has fewer problems than other cities in the UK (Fleming, 2013; Khan, 2013). The crime rates in the city are low and the county of North Yorkshire, in which it is located, is considered the safest county of the UK (Khan, 2013). As was mentioned earlier, the number of immigrants in the city is low, as York is not a dispersal city and polarization is thus less of an issue. Furthermore, the rent rates in the county are among the highest in the UK. As a result, social housing is a difficult issue, which makes it almost impossible for immigrants with low incomes to find accommodation in the city (Wordsworth, 2013; Without Walls, 2010: 22). The biggest group of immigrants consists of Kurdish and Turkish refugees. In addition to the small group of immigrants, there are several other vulnerable groups in the city. These include racial minorities, people with a disability, who are sometimes victims of bullying and antisocial behavior, and the Gypsy and Traveler community, which frequently experiences cultural tensions with the local community of York (Fleming, 2013; Khan, 2013).

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5 Quakers are members of a religious movements called the Religious Society of Friends. They generally identify themselves as Christians, but only follow the spiritual 'rules' of Christianity, not the clergy rules. Their main focus is on values such as pacifism, social justice and equality (Religious Society of Friends, 2011).



### *3.5 Existing Human Rights-Related Initiatives*

Before the start of the York Human Rights City project, York already had large number of initiatives and organizations related to social justice and human rights. An initiative related to human rights and local authority in York is the Fairness Commission of the CYC. This commission was set up as an advisory body to the Council to engage residents in a debate about how to fairly prioritize the Council's resources to promote inclusion and protect services for vulnerable people. The commissioners included York-based scholars Wilkinson and Pickett, who published a book in which they argue that more equal societies have better indicators of all kinds of social problems (Wilkinson & Pickett, 2009). The initiators of the Commission felt that there was a lot of inequality behind the facade of affluence in the York community and that this inequality was likely to increase under the pressure of the "era of austerity, downsizing and cuts" (Collingwood & Crisp, 2013; Newby & Denison, 2012: 7). The Fairness Commission was deliberately not framed in human rights language because of the general negative attitude toward the term 'human rights' and because the human rights language was considered rather distant, whereas 'fairness' is a term everyone can relate to (Collingwood & Crisp, 2013; Fleming, 2013; Pittam, 2013).

Informed by several reports on York, including the Fairness Commission report<sup>6</sup>, the Council launched the York Equality Scheme, in which it expressed its aspirations to become a fairer city through the human rights values of equality and inclusiveness in particular (City of York Council, 2012). The main goal in this scheme is to create a basis for everyone to function fully in society through the improvement of the economic, social, and cultural rights of people in the York community, for instance by raising the wages of civil servants to a minimal acceptable standard of living (City of York Council, 2012: 2; Collingwood & Crisp, 2013). The York Fairness Commission aimed to set an example for other city councils and intends to create an international Fairness Conference in the future where local authorities can share knowledge and experience with regard to the improvement of equality within the city (Collingwood & Crisp, 2013).

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6 Other sources behind the Equality Scheme were the One City Plan, the Joint Strategic Needs Assessment, The Big York Survey Results 2012 and the ideas of the Council's Equality Advisory Group.

In other words, it was searching to establish an international network of city councils in which the fairness concept would be deepened out.

Another important local human rights-related initiative is the Human Rights Awards, set up by the York-based NGO International Service, one of the few international NGOs based outside of London. These awards are handed out in York to international human rights defenders (Pittam, 2013). In addition to the global awards, local human rights awards are handed out to recognize local human rights work. When International Service set up these local awards, they encountered difficulties in finding enough nominees from the Yorkshire region, as those working on issues like domestic violence, or on behalf of minority groups defined their work in terms of social justice rather than human rights (Pittam, 2013). The local awards are therefore no longer called Human Rights Awards, but the Yorkshire Region Awards' to "recognize local heroes working to build a more equal society" (International Service, 2010).

Furthermore, the Centre of Applied Human Rights at the University of York has its own protective fellowship scheme for human rights defenders. The Centre invites human rights defenders from all over the world to York and enables them to recuperate and reflect upon their work to acquire new skills and to share their experiences with both faculty and students (CAHR, 2012).

In addition, there are several initiatives for human rights education in the city. York St John University hosts the Centre for Global Education York, which provides training and support in education on global issues (Lodge, 2013). Students of the University of York offer human rights education to schools in York (Statham, 2013) and the British Institute of Human Rights provides human rights training to professionals in the community. Trainings have been given to local police and civil servants, although this happens only occasionally (Fleming, 2013; Khan, 2013).

Finally, and most importantly, a wide range of social justice-related organizations is active in the York community. Amnesty International has an active local group that, despite of its primarily international focus, also tries to raise human rights awareness in the local community, for instance by taking the initiative to create a huge human rights quilt in the city center in cooperation with 48 other York-based organizations (Lodge, 2013). Many local organizations are concerned with vulnerable groups in the city such as Refugee Action York, the Traveller Trust, the York Carers Forum, and the York LGBT Forum. Religious groups have led most of the work on social justice

and human rights in York (Gready, 2013b). Quakers have been on the forefront, as well as the archbishop of York, John Sentamu, who is an outspoken human rights advocate. Current important religiously inspired human rights groups are the Ecumenical Justice and Peace Group and York City of Sanctuary, which are both active partners of the YHRC project.

#### **4. The York Human Rights City Project**

There is a need for a different kind of conversation about human rights in the UK – more locally informed and bottom-up, less polarized, celebrating successes as well as identifying shortcomings. Human rights are here understood as a means of giving all of us a voice in decisions that affect our lives; a way of ensuring that power is exercised over us in an accountable way; and as a set of minimum standards to which we are all entitled by virtue of being human (Gready, 2013b).

This fragment illustrates the core idea behind the York Human Rights City project: telling a different story about human rights and thereby creating a different understanding of human rights within the local community of York. The following paragraphs provide an overview of the different motivations behind the project, the network of actors involved and the approach the project takes to engage the local community with the human rights framework, and the barriers and potential pitfalls of the project.

##### *4.1 The Initial Phase: A PHDRE-Inspired Project*

The YHRC project was initiated by a small group of human rights advocates in York. The main initiator, as mentioned before, was Professor Paul Gready of the Centre for Applied Human Rights at the University of York. Gready put forward the idea to promote “a community where institutions, organizations, businesses and individuals debate, learn, understand, embrace and apply human rights principles to their daily lives” in the city of York, for which he was inspired by the PDHRE (YHRC Project, 2012). This NGO was the first to use the term HRC, and defines it as “a city or community where people of good will, in government, organizations and institutions, try and let a human rights framework guide the development of the life of

the community” (2007: 3). As Gready discovered this movement, he realized the UK did not have any HRCs and considered it a promising tool to start the ‘new conversation about human rights’ he was looking for (YHRC, minutes, 2011a). Therefore, he set up a steering committee in which he involved representatives of several local human rights-related organizations. This is in line with the PDHRE’s guidelines for the formation of a human rights city, which strongly highlight the importance of engaging local stakeholders in mobilizing human rights to bring about social change (Marks, Modrowski & Lichem, 2008: 47). In York, these local stakeholders included the earlier mentioned International Service and the Joseph Rowntree Charitable Trust, but also other local social justice-related organizations and the CYC.

Stephen Pittam can be considered the second key actor in the inception of the YHRC project. He shared Gready’s desire for a new conversation about human rights and was involved in the shaping of the project from the very beginning. In addition, a third key actor that should be mentioned is Andrés Jaroslavsky, who was involved from the beginning and later became the Project Outreach Coordinator based at the Centre for Applied Human Rights. In practical terms, this means that he gets paid to work on the YHRC project for two days a week (Jaroslavsky, 2013a).

The project was funded by the University of York, the Joseph Rowntree Charitable Trust, and the Joseph Rowntree Foundation via Gready. The CYC has been actively involved in the project from the outset, by attending the meetings of the steering committee and contributing in terms of expertise, advice and guidance, as well as by attending its events and discussions (Collingwood & Crisp, 2013; YHRC, minutes, 2011a). However, it is interesting to note that the Council has not had any direct monetary impact on the project to date. The main reasons for this are severe budget cuts and the fact that the Council already supports several other human rights-related initiatives, such as the earlier mentioned Fairness Commission, City of Sanctuary movement, and the City Without Walls partnership to engage with communities at the neighborhood level (Fleming, 2013). Furthermore, the Council actively works on equality targets for the city and the empowerment of city residents (City of York Council, 2012; YHRC, minutes, 2011a). This shows that human rights do receive budgetary attention from the CYC, but currently not in the form of direct support to the YHRC project.

#### 4.2 Core Motivations

The motivations behind the YHRC project are wide-ranging, and different for the different actors involved. Nevertheless, a number of core motivations can be distinguished.

The first motivation is the presence of a high number of locally embedded human rights-related organizations and initiatives in York, as was discussed earlier in this chapter. In Gready's words: "[York has] a quite unusual mix of things linked to social justice and human rights, so we wanted to try and pull that together in some way" (Gready, 2013a). In this regard, human rights can serve as an umbrella slogan, bringing together a range of local community groups and grassroots initiatives that would not naturally form a network (Attoh, 2011: 678; Mayer, 2009: 367). This function of human rights is particularly valuable in a relatively small city like York, where local organizations such as Refugee Action York and the York Carers Forum, whose work does not seem to be directly related, would not naturally work together. Moreover, according to Gready, local community groups have a sense of isolation about them, which strongly limits their reach (Gready, 2013a). Human rights can be the term that ties them together, and enables them to use each other's networks, financial resources, human resources, and knowledge, thereby increasing their effectiveness and ability to engage with a wider audience. Without such broad uniting framework, opportunities for building a more extensive network are strongly limited in York, as the group of strongly socially engaged people is rather small (Fleming, 2013; Pittam, 2013). The HRC project has the potential to function as this umbrella organization (Fleming, 2013; Jaroslavsky, 2013a; Statham, 2013). Moreover, the main incentive for many local community organizations to join the project is the possibility to increase visibility through physical presence at events, as well as the opportunity form alliances, combine resources, and share knowledge (Wordsworth, 2013).

Secondly, the Centre for Applied Human Rights, founded in 2007, was looking for the right vehicle for local outreach work in the community of York (Gready, 2013a). It had already been engaged in local initiatives such as the Refugee Week in York, but saw a lot of potential in the human rights city initiative to expand its outreach to the local community. The project can be considered a tool for the improvement of the strong disconnect between the academic community and the city, by engaging local community organizations in a university-based initiative (Gready, 2013a; Pittam, 2013).

A third major motivation is the “toxic national discourse” described before with regard to human rights, and the discussion about the abolishment of the Human Rights Act and creation of a UK Bill of Rights, which was reflected at the local level in York (Khan, 2013).<sup>7</sup> All key actors involved in the project were concerned with this sentiment of resistance and felt the need to “start a different kind of conversation about human rights” (Gready, 2013a; Pittam, 2013). Gready (2013a, 2013b) describes the sentiments at the national level as a ‘meta-narrative’, which argues that the UK is under threat and dominates both national politics and the media. Many politically sensitive issues fit into this narrative, for instance crime, terrorism, and immigration. Gready, as well as the other initiators of the YHRC project, felt the need for a convincing ‘counter-narrative’ that would involve human rights from a different perspective. The perceived opposition toward human rights that can be seen at the national level is also reflected within the local community in York (Pittam, 2013). The initiators of the project therefore intended to start a different approach to human rights at the level of the local community by introducing human rights from a different perspective and making people realize that human rights contribute to the quality of their own lives (Gready, 2013b). This improved rights consciousness in the local community could form the basis for a convincing bottom-up counter-narrative of social justice (Gready, 2013a; Pittam, 2013).

The last core motivation for making York a human rights city is recognition for the city as well as for the university. Although the project was deliberately started as very low-key with the intention to build a bottom-up movement that supports the idea of calling York a human rights city from below, its ultimate aim is to get York recognized as the first HRC of the United Kingdom (Pittam, 2013). This seems to be one of the main motivations of the CYC to state their support for the initiative, in the same way as it also supports the aspirations of the York City of Sanctuary initiative to become officially recognized as city of sanctuary (Fleming, 2013). Moreover, labels such as HRC and city of sanctuary are useful tools for city

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7 For instance, York’s local newspaper ‘The Press’ published an controversial two-pager about the idea to make York a welcoming ‘city of sanctuary’ for refugees and asylum-seekers, which elicited a strongly negative debate about the initiative. For an impression of the debate, see comments on the online article announcing the City of York Council’s support for the initiative (Stead, 2011).

marketing, in addition to the established label York City of Festivals, since they would emphasize the empathetic and welcoming character of the city (Wordsworth, 2013). In addition, the Centre of Applied Human Rights at the University of York may become more appealing to students when York is labeled HRC.

In short, the concept of the HRC is a useful vehicle for a number of purposes. It can unite a broad range of local initiatives under one umbrella by pointing out the human rights-based dimension of each initiative. It is also a useful concept for local outreach work from the academic community, as well as for creating a different understanding of human rights within the local community. Lastly, it can serve as a tool for gaining recognition and city marketing or as recruitment tool for the university.

#### *4.3 Instruments and Mechanisms: A Two-Fold Strategy*

During the first few months of the shaping of the YHRC project, the main debate in the steering committee was about the type of approach the project would take. Two approaches were considered: the events model and the protection model (YHRC, minutes, 2011a). The steering committee considered the advantages and disadvantages of the two models, and decided that the models were not mutually exclusive, so could both be included in the strategy (YHRC, minutes, 2011b). Therefore, the mechanisms adopted in the YHRC project are two-fold and focus on both organizing events and promoting protection. The following two sections elaborate on both mechanisms.

##### *4.3.1 The Events Mechanism*

The main purpose of using human rights related events as a vehicle to advance human rights is raising awareness and creating a different rights consciousness in the community. In York, this is done through an annual week-long human rights festival and an additional program of lectures, debates, workshops, films and documentaries throughout the year (Jaroslavsky, 2012). These activities are intended to trigger people to start thinking about human rights in a different way (Jaroslavsky, 2013a). Events can also offer local organizations a platform to promote their work to the community, to get in touch with one another, exchange ideas, and form alliances (Lodge, 2013; Wordsworth, 2013).



An important issue to consider when it comes to events as instruments to engage the local community is the issue of venue. Many events of the YHRC project are hosted at the university, primarily because of financial reasons. However, this requires a substantial effort from locals to attend the event, resulting in the sole attendance of people with a certain interest in human rights-related topics. In order to truly reach the local community of York, and ‘start a different conversation about human rights’, different venues need to be sought (Gready, 2013a). An example of successful venue choice is the ‘open day’ for local social justice-related organizations in the city, which was recently organized by the YHRC project (Jaroslavsky, 2013a; Statham, 2013). The event was meant to offer local organizations a platform for interaction with each other and with the local community. In order to also target passersby that would generally not attend a human rights event, it was deliberately hosted in the center of the city, resulting in a much higher attendance of more people from the local community (Jaroslavsky, 2013b). The choice for an event-based approach to human rights is grounded in the local context of York, as the city is known for its large number of festivals throughout the year (Jaroslavsky, 2013a).

A second issue that is important to consider in the event-based approach is the issue of framing. In order to engage the local community, it may be more effective to use locally embedded language (Merry, 2006), which is known best by the local organizations involved in the project. A concrete example is the discussion on the title of the earlier mentioned ‘open day’. The initial title of this event was Open Day for Social Justice and Human Rights, but this was changed into Open Day with the slogan ‘Let’s get involved!’ after a member of a local organization expressed her concerns about the use of this heavy human rights terminology. “People get scared when you use words like ‘justice’ and ‘human rights’” (Steering Committee Meeting, 2013).

#### *4.3.2 The Protection Mechanism*

The protection-based mechanism of the YHRC project intends to create a sympathetic environment for vulnerable people in the city of York. The project unites several existing protection initiatives in the city, of which the two main initiatives are the York City of Sanctuary initiative and the Protective Fellowship Scheme for Human Rights Defenders at Risk of the Centre for Applied Human Rights. York City of Sanctuary focuses on people in need of refuge at large, involving



immigrants, refugees, homeless, victims of domestic violence, etc. (Wordsworth, 2013), while the Protective Fellowship Scheme focuses on the temporary shelter of human rights defenders at risk from all over the world (CAHR, 2012). Pulling these initiatives together results in a broad understanding of protection as “a protective environment for all kinds of inhabitants and visitors” (Gready, 2012). The aforementioned framing issue also plays a role in this protection-based mechanism. Because a significant part of the local economy of York depends on tourism, the city refers to itself as a welcoming city. The protection mechanism uses this local understanding of the city as a city of generosity, hospitality, and sympathy to guests by reframing human rights in terms of a welcoming attitude toward all kinds of guests, including refugees, homeless, and international human rights defenders at risk (Gready, 2013a; Wordsworth, 2013).

Unlike other Cities of Sanctuary in the UK, such as Sheffield and Leeds, York has a relatively low number of immigrants. This is partly due to the high rental rates in the city, which severely limit the availability of social housing (Fleming, 2013; Wordsworth, 2013). The YHRC project hopes to create a different type of City of Sanctuary in York, where the environment toward immigrants, refugees, and other people in need of safety is already sympathetic prior to their arrival. The protection mechanism intends to increase the exposure of the local community to people in need of refuge in order to trigger a more open, empathetic mindset toward these people (Gready, 2013a). On paper, the protection-based mechanism and the events-based mechanism are equally important, but in practice, the focus is on engaging the local community through events.

As was discussed before, the CYC is a partner of the YHRC project, but does not contribute funding to the project. On the other hand, it does provide some intellectual support through its attendance during meetings of the steering committee and chief executive Kersten England has offered CYC's formal endorsement and support to the project (Collingwood & Crisp, 2013). Although this is a valuable starting point, the actual involvement of the CYC in the YHRC project is fairly limited. From the perspective of the steering committee, the CYC's limited involvement seems to be mostly a deliberate choice. The project strongly intends to be a bottom-up movement from the local community, stimulated by the academic community, rather than a top-down, municipality-led initiative. Before local authority will be more actively included in the project, the project needs to be embedded in the local community (Jaroslavsky, 2013a). The academic

community seems to have somewhat of a double role in this respect. On the one hand, it is an elitist community, separate from the local York community, but on the other hand it has a key role in shaping the bottom-up movement, by engaging the local community with human rights and stimulating local actors in the city to become involved.

In short, the YHRC project uses two main mechanisms to start a different conversation about human rights in York. Events are used to bring local organizations together, as well as to raise awareness and create discussion about human rights in York's local community. The protection mechanism is used to create a more sympathetic environment toward vulnerable groups such as immigrants and refugees, primarily through an increased exposure of the strongly white middleclass York community to immigrants, refugees, and international human rights defenders at risk, so as to trigger the hospitable nature of the city.

#### *4.4 Implications: Barriers and Potential Pitfalls*

A significant barrier to the human rights city initiative remains the so-called 'gap between town and gown'. Among citizens of York, the university is generally considered a distant educational institution, which is not part of their city. Even though the university campus is only ten minutes from the center of town, "intellectually, it seems like another country" to the local community (Gready, 2013a). As the initiative to make York a HRC is still in the hands of the Centre for Applied Human Rights, this 'intellectual gap' creates considerable difficulties for engaging a different local audience and creating new alliances with the local community. Most activities in the city that are linked to social justice and human rights are already interconnected and the socially-engaged people from York already know each other, at least indirectly, due to the small-scale nature of the town. These "same faces" are involved in the network of the York HRC project, as most people join the project because they were asked to by other socially engaged people (Gready, 2013a). The big network of the project executor is illustrative in this regard, as it seems that all actors involved in the project are to a greater or lesser extent part of his personal network (Jaroslavsky, 2013a). As a consequence, the project seems to involve mostly like-minded, socially engaged individuals and organizations, which all have a relatively homogenous idea about human rights (Gready, 2013a; Lodge, 2013). Therefore, starting a different conversation about human rights and forming

a counter-narrative of social justice against the negative national attitude toward human rights continues to be a challenging goal. Gready strongly affirms that the project would not be considered a success unless it manages to go beyond preaching to the converted (Gready, 2013a). At this stage, failing to engage a wider audience and continuing to preach to the choir is the most crucial potential pitfall of the initiative.

In addition, two significant practical barriers of the project are funding and time, in particular with regard to its future. As the Council is unlikely to provide monetary support for the project and the university's financial support is limited, other sources of funding need to be found. Many interviewees perceive this as problematic, especially in economically difficult times (Gready, 2013a; Fleming, 2013; Jaroslavsky, 2013a; Pittam, 2013). A barrier related to the funding issue is the factor of time. The idea of making York a HRC is very new and of a rather tentative nature, so still needs time to become more established and better known in the local community. Reflecting on the traditional nature of the local community in York, Jaroslavsky explains that to create bottom-up support for an initiative like the YHRC project, the project needs permanence. However, to continue the project into the future, the project needs longer-term funding (Jaroslavsky, 2013a; Pittam, 2013).

Moreover, a potential pitfall of the project is a lack of legitimacy and recognition. For a city to be recognized as a human rights city, it needs support from local authority. Furthermore, social policies of the Council directly affect the human rights implementation in the city, so trying to affect municipal policies would offer the project extra legitimacy.

Lastly, some perceive the explicit use of human rights language as a pitfall of the human rights city initiative. The main reason for this is that it would be alienating for the local community (e.g. Lodge, 2013). On the other hand, the explicit use of human rights terminology is essential in order to safeguard the ownership of human rights on both sides of the debate. Refraining from the explicit use of human rights language would result in the ownership of human rights becoming the sole preserve of those with a negative attitude toward these rights (Gready, 2013a). This discussion is related to the issue of framing. On the one hand, human rights can be considered a means to an end for the achievement of social justice in the city and it may be safer to use human rights-based principles such as accountability and transparency, as most people would be in favor of these. However,

the explicit use of human rights language is important when engaging in the debate on human rights, as the counter-perspective on human rights also needs to be part of the conversation in order to create a balanced debate.

All in all, three barriers and three possible pitfalls can be distinguished. The main barriers are the disconnection between the academic community and the local community in the city, which is related to venue choice, and issues of funding and permanence. Potential pitfalls of taking a human rights approach in the city of York are failure to engage an audience that was not yet supportive of human rights, lack of legitimacy for the initiative, and alienation through the use of human rights terminology.

## **5. Conclusion: Lessons Learned**

From the case of the York HRC project, several key points can be derived with regard to motivations, driving forces, mechanisms and instruments, barriers and pitfall, and ultimate added value. These contribute to a better understanding of the phenomenon of human rights cities.

In terms of motivations for cities to become a human rights city, it is first of all important to point at the potential of human rights as a uniting term that can bring together a wide range local initiatives under one discursive umbrella. In addition to forming a platform where local organizations can connect, the HRC label can also provide a forum for debate on human rights among people from the local community. Furthermore, the HRC concept can be used to counter national human rights opposition by promoting a different view on human rights and showing their relevance to people's individual lives in their local setting, as is the intention in York. The explicit use of human rights language, rather than vernacularized terms or vaguely human rights-related terms such as accountability, is important when offering a different perspective on human rights in order to ensure that the ownership of human rights does not become the sole preserve of those with a negative attitude towards these rights.

Another significant factor that affects the way cities become HRCs is the role of individual intellectual driving forces. The YHRC project is a clear example of a project that was initiated and is actively driven by a small core group of academic human rights advocates with a larger group of supporters from the local community around them.

This constellation of actors could be typical for HRCs across Europe. The case study of York suggests that individual drivers determine the human rights approach that is taken in a city and that cities will only engage with the human rights framework in their local settings when there is an engaged individual, or small group of individuals driving the initiative.

In terms of mechanisms and instruments for cities to become HRCs, the case of York is illustrative of two mechanisms in which cities can engage with human rights. First of all, cities can use events to raise awareness and create discussion about human rights within the local community. Events are also a useful tool for gaining city recognition and can serve as an instrument to link different local organizations together by providing a common space where these organizations can come together and form new networks. This is particularly valuable in small cities, where network opportunities are often rather limited because the group of strongly socially engaged people is small. Secondly, cities can focus specifically on creating a compassionate and hospitable attitude toward foreigners in the city by being actively open to vulnerable people in need of refuge. The protection mechanism can be used as a way of dealing with migration and integration issues, but can also serve as a tool to create a better awareness of foreigners' situations and generate a more tolerant and open-minded atmosphere in the city prior to their arrival in the city.

The most important pitfalls of HRCs that are reflected in the case study of York are issues of venue and framing. To engage the local community as much as possible in the human rights movement, venue choice is essential. The example of York shows how choosing a venue that is rather disconnected from the local community (i.e. the university campus), may result in preaching to the choir rather than engaging the local population of the city. Moreover, the framing of events in human rights language may result in the alienation of the local community, rather than increase their engagement with the human rights framework. Nevertheless, the explicit reference to human rights can also be beneficial for human rights cities, as it ensures the ownership of human rights in both sides of the debate on human rights. Furthermore, lack of recognition and involvement from local authority may result in problems of legitimacy of the human rights city label. Lastly, time and permanence are practical barriers for human rights city initiatives.

The case study of the YHRC project indicates a number of aspects referring to the ultimate added value of human rights cit-

ies. First of all, the human rights framework has a lot of potential for uniting a wide range of seemingly unrelated initiatives in one network. As such, a human rights city can serve as an umbrella for these organizations, under which they can make use of each other's networks, financial resources, human resources, and knowledge. A second important point of added value that becomes clear from the analysis of the YHRC project is its potential for starting a different conversation on human rights to counter negative attitudes at the national level. Human rights cities can stimulate the development of a different type of rights consciousness in the local community in which people no longer see human rights as the rights of immigrants and terrorists, but also involve their right to vote or their grandparents' right to dignified treatment in the care home. Discussing the relevance of human rights to people's individual lives is most clear and appropriate in the city where this conversation about human rights can be embedded in the local community and identity, which shape the way in which human rights are understood and discussed in their local setting.

## Conclusion:

### What We Have Learned

What does it mean to be a HRC and what are the motivations, mechanisms, and implications? This study has attempted to answer this question and its underlying sub-questions. While the present study provides important insights into what a human rights city might be and how the concept is put into practice, much and more is still to be learned. The findings cover information concerning many facets of the HRC concept, including the driving forces behind the approach, motivations of actors, mechanisms of implementation, potential pitfalls, and ideas on what the concept might or might not add to the municipalities' political conduct. In the following, each of these elements will be discussed in the light of the research question, before a conclusion will provide ideas for future points of investigation.

#### **1. Summary of the cities**

As mentioned before, the cities of Barcelona, Graz, Salzburg, Nantes, Budapest, Gothenburg, and York were visited to conduct research on their various approaches of being a HRC. There are strong differences between these cities ranging from how long they have been a HRC to their various motivations. Furthermore, one can compare these cities through the manners in which they have approached the HRC project: some use flashy marketing devices such as devising treaties and charters or through commercial promotion, while others tackle human rights issues without explicitly referring to themselves as a HRC.

Graz was the first city to become an official HRC by signing the PDHRE. This city has taken both a bottom-up and a top-down approach, a tactic that has proven to be very effective in transforming Graz into a city where both parties, the municipality and civil society, are very active and willing to safeguard human rights. Contrarily, Salzburg did not sign the PDHRE and opted for the European Charter on Safeguarding Human Rights in the City instead. Through the two cities used different approaches, it seems as if Salzburg lacks the

involvement of the municipality, especially due to the broad range of different political parties, which has proven to be an obstacle in creating a unified approach to human rights and has resulted in a very limited budget being allocated to the human rights initiative.

Another senior HRC is Barcelona, a city that has been difficult to put in perspective. On the one hand, critique has been raised concerning the steadily decreasing budget and the lack of an impact monitor of the human rights at hand, whereas others argue this is still a thriving HRC. One of the strong features of Barcelona is that human rights have been properly institutionalized in the past decades, which makes it difficult for politicians to abolish the project despite various efforts in the past and the limiting of the allocated budget. It is therefore argued that even though Barcelona has already been a HRC for 15 years, it is still an ongoing and developing process.

Nantes is an example of a more recent initiative, starting in 2001 to work toward becoming a HRC with an initially strong motivation. However, this drive has declined strongly with the passing of time and the city has shifted its focus toward becoming 'an inclusive city'. Yet, this initiative also turned out to be more focused on marketing in which a lot of plans were presented, but unfortunately not followed up and finalized. The problem lies mainly with the strong prevailing technocracy within the administrative body of the municipality, making it almost impossible to apply and implement human rights policies and projects. On the other end of the spectrum there is the city of York, which is newly flourishing and is a good example of a city going against the negative connotation national governments sometimes bring across to their nation regarding human rights. York strongly emphasizes the importance of using the human rights language in order to change the perception of human rights among its people. Furthermore, the city organizes events to raise awareness as well as to stress the importance of protecting immigration issues and minority rights. This city shows the potential of using the human rights framework as an umbrella to forge cooperation between various human rights actors regarding the ranges of human rights issues, as well as exemplifying the power a city actually has in protecting and implementing human rights that are disregarded by their national governments.

On the other hand, the city of Budapest uses a completely different approach to tackling human rights issues. Even though the city is working intensely with human rights and improving inclusion through their NGO network and business actors, there is a strong inclination



to reject the HRC label. Thus, the Budapest case study raises the question as to what it actually entails to be a HRC and what the label HRC is worth, since this city adopts mechanisms very appropriate for a human rights approach, but explicitly does not adopt the label. Furthermore, an interesting factor is the influence of the national government in the past few years, which is busy centralizing and adopting constitutional amendments that one might question from a human rights perspective. Finally, another relatively young HRC is the city of Gothenburg, where human rights have become a central theme in urban policies over the last couple of years. The city has a lot of individuals behind this approach, as the driving forces that express an ideological motivation without much marketing around this concept. However, the municipality still mainly drives this approach and there is not yet a human rights monitor in place. One very important notion however, is the inclusion of this issue in the budget, which can be seen as a huge step toward the institutionalization of human rights, which is in the end the aim of the driving actors.

## **2. Driving Forces and Motivations**

What, in looking at the lessons learned in these cities, are the driving forces and the motivations behind the HRC process? The driving forces behind becoming a HRC are rather homogenous. Motivated and engaged individuals are at the forefront in promoting human rights and initiating the human rights approach in all of the cities. Driven by their enthusiasm for the concept of human rights and following their conviction that adopting a human rights approach in the context of the city 'is the right thing to do', individual actors have been central to promoting human rights. While NGOs and academics have been found to exhibit strong support for and a promotion of the HRC approach, ultimately the political sphere is crucial in adopting, maintaining, and furthering human rights in the city. Particularly mayors and members of the local governments are potentially powerful promoters of the approach. This, however, does not appear to be surprising, when considering that local politicians and mayors are at the core of the political processes needed to adopt a HRC approach in the entire city and for all its citizens.

In the absence of political support or municipal adoption of the HRC approach, NGOs and academics attempt to raise awareness concerning human rights matters, specifically in cultural and political context in which human rights do not enjoy a positive standing.

Particularly where academia function as main driving force, it is important to consider that an academic approach can also entail a detachment from society, as academia often provide a different context and hold a different understanding of human rights with regards to the population's actual situations.

Furthermore, in terms of the political landscape, the case studies contained in this book point toward the high prevalence of left-of-center parties in terms of HRC program adoption. They have been identified as strong supporters of human rights in the local context. Contrastingly, a high prevalence of right-of-center parties has been identified as a factor that can hamper or even obstruct the continuation of HRC programs. It is specifically this finding that can be related back to introductory thoughts concerning the political character of human rights in the context of the city. Arat (2008) reminds us that human rights constitute a system of political ideology, as is clearly visible in left-of-center parties supporting the HRC approach and positioning themselves as driving forces behind it. Especially the HRC movement in Salzburg illustrates this observation, as the push to become a HRC was directly related to the far-right party's actions against immigrants and supported by the left-of-center Greens.

Consistently, political factors have been found to motivate cities to adopt a human rights approach. Left-of-center ideology appears to be as much a motivating factors as the respective parties act as driving forces. The presence of left-of-center parties and mayors at the point of adoption in Graz, Salzburg, Gothenburg, Barcelona, Nantes and Budapest shows the significant support the HRC approach receives from left-of-center parties, based on ideological overlap of the parties' agendas and human rights. Often the motivations are connected to the promotion of equal rights and opportunities and social justice, in which the HRC approach overlaps with goals that are present already.

Additionally, cities employ the term human rights as an umbrella term in order to concentrate various local movements and increase collaboration between them. Furthermore, national legislation obligating cities to adopt concepts and programs to focus on human rights related issues, such as equal opportunities and social justice, have influenced cities to go beyond the obligations defined by national legislation.

Moreover, cultural and historical factors have been identified as highly influential, whereas these either can be objectively present in or are read into the cities respective historical context, in order to justify the human rights approach. Many cities pointed toward their history as a diverse city, or in the case of Nantes their history as a promoter

in human rights matters. However, past injustices are also employed to explain a cities conduct. Actors in Nantes for example referred to the city's history as slave port. Similarly, other cities such as Graz saw adopting a human rights approach as reaction to past injustices that occurred in the city. Specifically, culture appears to be highly important in maintaining the motivation to further the human rights approach adopted. While many other cities decreased their budgets and support for their HRC program in times of economic recession, Gothenburg upheld its obligations due to the welfare-policy focused political culture present in Sweden.

In addition to internal factors, such as culture, political ideology, or national legislation, motivations can also be more external. Specifically, city profiling and city marketing were mentioned in this context and concepts were often related to a human rights city label. However, the motivation behind using a HRC approach as a tool for city marketing differed considerably across cities. Some cities focused on internal promotion and raising awareness amongst their citizens, while others employed the HRC approach and label to attract students, businesses or new inhabitants. Yet the importance assigned to external relations as a motivational factor varied and it remains unclear to which extent effective rights protection is compromised by such an approach. An additional question is whether the adoption of a HRC identity based on marketing and profiling intentions is in line with the concept as such. Therefore, investigating whether adopting the HRC label is motivated by the issue of rights protection versus adopting a HRC label for marketing purposes as a motivational factor is crucial for future research endeavors.

### **3. Implementation/Mechanisms**

Although motivations for becoming a HRC can vary, most cities are parties to international agreements for the protection and safeguarding of human rights such as the PDHRE or the ECHS. Additionally, cities seem to identify the importance of establishing a broad network of NGOs and governmental institutions in order to realize their emphasis on human rights. Many cities support the formation of a network including different NGOs with the participation of the municipality in order to institutionalize the idea of the human rights approach. Others, like York, which are striving toward becoming a HRC use NGO networking in order to engage the local authorities. Through building those networks, cities do not only cre-

ate the basis for policy implementation but also the fundamentals for financial and social support for the human rights ideals.

Human rights are subsequently institutionalized through several different mechanisms: for example, by creating offices to deal with particular issues such as discrimination, or cooperating in order to assess institutions' and organizations' environments. Barcelona is a very good example of the latter because of the focus of the local authorities in assessing the environment in different institutions with regard to human rights respect and protection.

It is important to address the complexity of human rights, as this was recognized on multiple occasions during the research. The human rights concept is often seen as a political instrument of relevance to international relations or as foreign to the local community. This finding could be considered the explanation of the fact that cities often adopt an approach focusing on one or two specific rights such as equal treatment or non-discrimination. Addressing the specific topic, cities could apply not only parts of the local budget but also implement those rights using a project based approach and external funding. Some cities incorporate organizations and institutions under their municipal structure or position the municipality as a driving and regulating force in implementing particular human rights projects. A good example of such a mechanism is Budapest, where the equal treatment office is a municipal organization.

Another mechanism used for implementing the human rights approach is by creating awareness, for instance through organizing events. This approach is particularly important in those cases in which the possibilities for building a broad network of organizations are not present, like in smaller cities. Examples of those events are seminars, awards and festivals bringing human rights topics to the public. In addition, some cities combine events with a strong emphasis on human rights education. Graz and Salzburg for example make use of human rights education as one of their main instruments in developing as a HRC.

External support and the project-based approach are particularly important in this research since the European Union plays a vital role in the developments in this respect. On some occasions, cities are part of with European Union funding programs in cooperating with external organizations in order to complete a human rights project in the local level. Through international organizations and cooperation such as the European Alliance of Cities, local authorities can find support for the implementation of human rights. One example of such

EU cooperation is the URBACT Roma-Net project where different cities (one of which was Budapest) came up with local action plans for improving inclusion and integration of Roma people.

It is important to understand that the human rights approach in the city is not solely a policy matter, but is a combination of initiatives, institutions, organizations and events that all bring a different perspective to the human rights orientation. During this research we have identified that cities often refrain from adopting the label of human rights due to its complexity and political aspects, but at the same time build networks for safeguarding specific rights. The overall combined result is that cities are indeed HRCs using localized approaches to reach the public.

Generally, the combination of a broad range of mechanisms for the implementation of various human rights seems to be the approach used in the participant cities. However, further research is necessary to gain better understanding of all the mechanisms and initiatives used, since many smaller activities could require more in-depth research with the help of individuals and organizations involved. Also, vernacularization is a vital aspect – on one hand for the cities to translate the international concept of human rights to the local level and on the other hand for researchers to understand the local translation. That said, language and culture play a vital role in implementing the human rights approach. For future research it would be important to consider the role of vernacularization in HRCs, as in the present research it proved to play a vital role in policies, NGOs, grass-root organizations and governmental institutions.

#### **4. Pitfalls and Barriers**

On the basis of the experiences of different cities that go through the process of becoming a HRC, there are different barriers and pitfalls that can be pinpointed. One of the largest barriers for the full realization of human rights cities is the current economic situation. There are several ways in which the economic situation has kept cities from becoming a full-fledged human rights city. Firstly, in a period of economic insecurity, people tend to be more focused on solving their own issues and are not very concerned with bigger plans such as living in a city that explicitly works with human rights. Another consequence of the current economic situation is the lack of money available. Especially in cities where it is not municipality driven, one has to be creative to find funds, but even the municipality

driven initiatives are suffering under the constant budget cuts they are forced to make. Finally, fear of economic instability often leads to intolerance and can therefore be seen as a stimulating factor of xenophobia and racism. Since human rights concern everyone, both nationals and non-nationals, these ideas can clash quite significantly. Thus, especially in a difficult economic situation, it is important that a higher awareness amongst the citizens concerning the importance of human rights needs to be created, which can be achieved through more human rights education. Consequently, the lack of human rights education forms another barrier.

These barriers mentioned are even strengthened by the fact that this concept is still in such an early phase, this due to the lack of research conducted in this field and to the degree to which success seems to depend on individual efforts. The lack of research makes it more difficult for policy makers to know whether they are doing it right, since there are no guidelines. The dependency on individuals especially forms a problem in the cities that are fairly new to this concept, since human rights are not yet fully institutionalized. Consequently, it can lead to the discontinuation of the project through for instance the ending of a political term or new elections with a different outcome. Therefore, it is very important for cities to institutionalize the concept, so it is more difficult to abandon the concept as a whole.

However, in the cases where the human rights concept is more established such as Nantes, there are other pitfalls that need to be taken into account. A problem in this particular case appeared to be the strong technocracy with an administration that has the power to block projects as they have the final decision making power. Afraid of being held responsible for non-compliance with all the parts of human rights law, the administration does therefore block projects involving human rights. Another problem lies within the different ways for a city to realize the concept. If a city takes a too broad and general approach and tries to address all the human rights, it often results in not achieving anything at all. Moreover, the particular rights that are focused upon are often first generation rights, leaving second and third generation rights, like the right to health care, the right to housing and the right to education the ones more difficult to fulfill, neglected.

Furthermore, in a variety of cities there was a strong tendency to shy away from human rights, mainly due to the far-from-home connotation most people have with the concept. This could be seen in most cities, where human rights first needed to be vernacularized in order to appeal to the majority of citizens. This can form a huge barrier to

the full realization of becoming a human rights city, since people are not open to this concept. Lastly, one can consider the marketing of a city as a HRC a pitfall as well. This in the way that it often leads to the providing of unnecessary services; it is the make-up of the city, without really paying attention to the rights and needs of the people living within the city. Thus, one can question whether the adoption of the label is a positive thing per se since it can distract from the real aim, namely promoting and protecting the human rights of the people within your city. Finally, an overall factor that can limit the process is the national political situation and the powers municipalities have. The national government can form a great support as seen in for instance Gothenburg, but can also severely limit the pursuing of ideals when these are not in line with the general view in national politics. At the end of the day, for a HRC to be effective, the municipality needs to adopt the approach, which can be hindered by the inability to go against the national government.

To conclude, one can identify several barriers and pitfalls in the process of becoming a human rights city, some specific to a city and some more general that can be recognized in more cities. For a city to become a full-fledged HRC, it is of main importance to institutionalize human rights, making it less dependent on other, temporary factors, such as individuals or the economic situation.

## **5. The Added Value of Human Rights Cities**

It can be concluded that adopting a human rights approach has been beneficial for the researched cities in many respects. The most important benefit of using a human rights approach on the local level is that it can be used as an umbrella term. The unifying effect of using this umbrella term is twofold. Firstly, the human rights approach can unify policies on such topics as immigration, anti-discrimination and inclusion. Consolidating all these policies in one human rights department will help with tackling issues based on the human rights framework: instead of considering topics as being unrelated, municipalities can avoid confounding policies. Unification and harmonization of policies will result in a more efficient organization, which in turn will result in a more effective implementation. The intended effect of this is that inhabitants' rights will be better protected than without the human rights framework. However, these effects are very hard to measure in the short run, which makes it difficult for municipalities to back up the claimed improvements with statistical evidence.



The second effect of using human rights as an umbrella term is that NGOs and civil society actors can be unified under one label. This will stimulate cooperation between these parties, and in turn will help with efficiently organizing the various activities that are being initiated.

HRCs can also counteract the negative attitudes toward human rights that might exist on the national level. An example of this is York, a city that seeks to provide a counterweight against the resistance against human rights in national political discourse. By implementing human rights on the local level, HRCs are able to counter the sentiment that human rights is an abstract EU framework to be avoided. Policies based on human rights will also centralize the rights of inhabitants when it comes to city planning, which is something that policies based on urbanism might not always take into account.

The international recognition that cities gain by using the human rights approach is something that can be very important to policy makers. One of the reasons why, for example the Barcelonan municipality decided to use the human rights framework, was to put their city on the map, as the label is a valuable promotional tool. City branding is not only useful on an international level, but also on local level, as inhabitants will become aware of the existence of human rights. Raising awareness for human rights is an effective way to ensure inhabitants' rights are better protected, as citizens will be able to recognize violations of their rights more readily. Other cities, such as Budapest, do not use the human rights approach as an international city branding, but instead focus on raising awareness locally.

Using the concept of human rights on a local level stimulates civil involvement of marginalized groups, and will help prevent exclusion in the long run. A very important notion to take into account is that human rights cities are still a very young concept, which means that the effects of this approach cannot be conclusively measured yet in most cases. The results of most policies will only be visible in the long run, which is why one of the oldest human rights cities, Barcelona, emphasizes that implementing human rights on a local level is still very much an on-going process. Because of this, it is likely that more benefits of the human rights framework will become apparent as time passes. Future research is therefore recommended, as it is necessary in order to conclusively assess the long-term impact of the human rights approach. Following the evolution of current human rights cities will also provide cities that are considering using this concept with a road-map, which can prove to be invaluable for avoiding common pitfalls.



## 6. Conclusion

In sum, while the results of this research do not provide a conclusive description of HRCs, they offer an initial indication of what human rights cities are and how they function. Generally, HRCs appear to strive for higher standards in human rights protection and human rights implementation on the local level. The present case studies point towards a four-step process, employed by most human rights cities. Firstly, cities recognize the necessity of human rights protection and show their recognition by becoming party to an international agreement such as the PDHRE or the ECSHRC, by setting up their own charter or by referring to national legislation. Secondly, municipalities identify the most important human rights related issues, relevant for the local community as a starting point for their activities. Thirdly, human rights are brought to the local community (e.g. vernacularization), for example through awareness raising events, support centres and by adjusting the human rights language to the local issues. Lastly, municipalities work to establish a network of organizations, institutions and projects or events in order to make human rights protection on the local level more effective.

Moreover, the participating cities showed that human rights approaches differ not only by city, but also depend on various factors, such as cultural diversity, language, national political system, international political goals and history. Through different motivations and a variety of mechanisms, cities find their way to bring human rights to the attention of policy makers, as well as their citizens. However, further research is still necessary to fully grasp the complicated concept of human rights cities and to investigate how the concept will evolve. While this study was able to provide interesting insights into factors important for establishing and maintaining a human rights approach in the city, there is still need for a specific assessment of how well citizen's rights are protected in HRCs as compared to non-HRCs is still necessary. Additionally, an investigation of HRCs worldwide is still needed, as the present study only investigated the HRC approach in the European context. Finally, it is inevitable, one could conclude, that international concepts such as human rights reach the local levels in today's globalizing world. Whether they, however, lead to a more effective protection of individual rights and how rights protection is best achieved, are questions that still remain to be answered.



# List of Interviewees

## Barcelona

Bada, R.	Press and Communication's Officer at the Presidential Cabinet of the Superior Tribunal of Justice of Catalonia	Monday 29 April 2013
Chueca, E.	Coordinator of the Committee on Social Inclusion, Participatory Democracy and Human Rights, United Cities and Local Governments (UCLG)	Thursday 1 April 2013
Cubells, X.	Director of the Civil Rights Program of Barcelona	Monday 29 April 2013
Saura Estapà J.	President of the Human Rights Institute of Catalonia	Monday 29 April 2013
Pulido, G.	Head of the Non-Discrimination Office	Monday 29 April 2013

## Graz

Aufischer, M.	Head of <i>Kulturvermittlung Steiermark</i>	Friday 3 May 2013
Grabovic, D.	Director of the Graz Anti-Discrimination Office	Friday 3 May 2013
Mostl, M.	Researcher on the monitoring of human rights	Wednesday 1 May 2013
Rajovic, T.	City Councilor of Graz	Tuesday 30 April 2013
Schmiedl, B.	Head of Human Rights Education at ETC Graz	Tuesday 30 April 2013 - Wednesday 1 May 2013

Starl, K.	Project manager and executive secretary of the ETC Graz	Tuesday 30 April 2013 – Wednesday 1 May 2013
Strobl, H.	Former Director of Cultural Affairs in Graz	Thursday 2 May 2013

## Salzburg

Czech, P.	Personal communication	Tuesday April 30 2013
Döring, D.	Personal communication	Tuesday April 30 2013
Mautner, J.	Personal communication	Tuesday April 30 2013
Liebing, U.	Personal communication	Tuesday April 30 2013

## Nantes

<i>Anonymous</i>	SPIDH Employee	Monday 25 March 2013
Bouffénie, D.	City Councilor for Equality, Integration and Citizenship Nantes	Monday 25 March 2013
Choquet, C.	Mayer assistant Nantes	Tuesday 26 March 2013
Rigollier, P.	Accountant Mission Integration Nantes	Wednesday 27 March 2013

## Gothenburg

Abiri, E.	Consultant at Emerga Consulting	Monday March 25 2013
Jacobson, A.	Municipal Officer at Gothenburg Municipality	Tuesday March 26 2013
Johansson, P.	Professor at Gothenburg University	Tuesday March 26 2013

Martinsson, T.	Deputy Mayor and Politician Green Party Gothenburg	Tuesday March 26 2013
Resic, A.	Lawyer at the Anti-Discrimination Bureau	Monday March 25 2013
Runsten, S.	Project Manager Development North East	Wednesday March 27 2013

## York

Collingwood, J. (Skype)	York Fairness Commission	Tuesday 2 May 2013
Crisp, S. (Skype)	Councilor in the City of York Council	Tuesday 2 May 2013
Fleming, D.	City of York Council	Tuesday 26 March 2013
Gready, P.	Founding Director of the Centre for Applied Human Rights at the University of York	Wednesday 27 March 2013
Jaroslavsky, A.	Project and Outreach Coordinator of the Centre for Applied Human Rights	Monday 25 March 2013 Thursday 28 March 2013
Lodge, B.	Amnesty International York	Monday 25 March 2013
Khan, M.	Chief Inspector & Chair of Black Police Association	26 March 2013
Pittam, S.	Recently retired Trust Secretary of Joseph Rowntree Charitable Trust	Wednesday 27 March 2013
Statham, R. (Skype)	Student at University York	Tuesday 2 April 2013
Wordsworth, P.	York City of Sanctuary	Thursday 28 March 2013

**Budapest**

Kassai Ildikó	Deputy Manager Budapest Chance	Wednesday 27 March 2013
Molnar, A.	Equal-Opportunities officer	Wednesday 27 March 2013

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# **HUMAN RIGHTS CITIES: MOTIVATIONS, MECHANISMS, IMPLICATIONS**

**A CASE STUDY OF EUROPEAN HRCs**

**This book serves as an exploratory work on the recent phenomenon of Human Rights Cities all over the world. It contains a total of seven European case studies: Barcelona, Graz/Salzburg, Nantes, Budapest, Gothenborg, and York. The main focus lies on the motivations of cities to become HRCs, on the ways in which they do this (or the mechanisms and/or instruments they use to implement “their” version of a HRC) and on what the implications (may) be for a city to become a HRC.**

